141-340
141-344

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1890.

No. ~~172.~~ 20

ASAHEL GAGE, APPELLANT,

vs.

JOHN H. BANI.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED AUGUST 10, 1887.

SUPREME COURT OF THE UNITED STATES.

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3 *Transcript of Record.*

UNITED STATES OF AMERICA:

STATE OF ILLINOIS, } ss:
Cook County, }

Pleas before the Honorable Thomas A. Moran, one of the judges of the circuit court of Cook county, at a term thereof begun and held at Chicago, in said county and State, on the third Monday (being the twenty-first day) of January, in the year of our Lord one thousand eight hundred and eighty-four, and of the Independence of the United States the one hundred and eighth.

Present: Honorable Thomas A. Moran, one of the judges of the circuit court of Cook county, State of Illinois; L. L. Mills, State's attorney; Seth F. Hanchett, sheriff.

Attest: JACOB GROSS, *Clerk.*

Be it remembered that heretofore, to wit, on the 6th day of December, A. D. 1883, John H. Bani, by Levi Sprague, Esq., his solicitor, filed in said court his certain bill of complaint and caused to be issued out of and under the seal of said court the people's writ of summons, directed to the sheriff of Cook county to execute; which said bill and writ, with the sheriff's return thereon endorsed, are in the words and figures following, to wit:

STATE OF ILLINOIS, } ss:
County of Cook, }

In the Circuit Court for the County of Cook. In Chancery.

4 To the honorable judges of said court, in chancery sitting:

Humbly complaining unto your honors, your orator, John H. Bani, respectfully represents unto your honors that he is an actual resident of the town of Lake, county and State aforesaid.

And your orator further represents unto your honors that he is the owner in fee simple and in the actual possession of the following-described lands & premises, situated in the town of Lake, county of Cook and State of Illinois, to wit: Lots numbers twelve (12) and thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four acres east and adjoining the west ten (10) acres of the north half (½) of the north half (½) of the southwest one-quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian; that your orator derived title to said premises by warranty deed in due form, properly executed, acknowledged, and delivered, from Peter Caldwell and Ann Caldwell, his wife, bearing date the fifteenth day of May, A. D. 1882, and paid therefor the consideration of three thousand dollars, and that his said deed was duly recorded in the office of the recorder of deeds for the county of Cook and State of Illinois on the sixteenth

day of May, A. D. 1882, in Record Book 1166 of Deeds, at page 288, a true copy of which is hereto attached and marked Exhibit "1," and to which for greater certainty your orator craves leave to refer, and the original deed is now in the possession of your orator, ready to be produced as this honorable court shall direct.

And your orator further avers that since his said purchase he has made extensive and valuable improvements upon said premises, and that said premises, with the improvements thereon, are now worth about eight thousand dollars.

And your orator further shows unto your honors that prior to the date of his said purchase, to wit, on the 27th day of March, A. D. 1880, your orator, as tenant of the said Peter Caldwell, took possession of said premises, and as such tenant so held and occupied said premises up to the date of his said deed, and from thence hitherto he has held and occupied said premises as owner thereof under claim and color of his said title and paid all taxes and assessments legally assessed thereon as they became due and payable.

And your orator further avers, upon information and belief, and therefore charges the truth to be, that at the time of said conveyance to your orator and for a long time prior thereto, to wit, from the twenty-seventh day of April, A D. 1868, the said Peter Caldwell was and had been the owner of said premises in fee simple with a complete claim of title deducable of record and in the actual and continued possession of said premises under claim and color of title and paid all taxes legally assessed thereon as they became due and payable for a period of more than seven years, and your orator claims the benefit thereof.

6

And your orator further represents unto your honors that at the time of his said purchase from the said Peter Caldwell your orator had no notice that any other person had or claimed to have any right, title, or interest in or to said premises or any part thereof.

But that long afterwards, some time in the month of March, A. D. 1883, your orator first learned that one Asahel Gage, who resides at Vineland, Cumberland county, State of New Jersey, claimed to have and to hold certain tax deeds upon said premises, which are hereinafter more particularly described and set forth, and your orator immediately applied to the said Asahel Gage to learn the truth of his claim, and upon ascertaining that he made such claim and held such tax deeds your orator endeavored to compromise with the said Asahel Gage, and then and there offered to pay to the said Asahel Gage any reasonable sum of money that would cover all such sum or sums of money, if any, he, the said Asahel Gage, had paid out and expended for such taxes, costs, and disbursements, together with interest and penalties provided by law, if the said Asahel Gage would only make a quitclaim deed to your orator of the premises aforesaid and relieve the title of your orator in the said premises from the cloud cast thereon by the said tax deeds so held by the said Asahel Gage.

7

And your orator well hoped that the said Asahel Gage would have complied with such reasonable request of your orator

and received & accepted such offer, but that the said Asahel Gage absolutely refused to comply, alleging and falsely pretending to your orator that his said tax deeds were legal and valid; that all the requirements of the law had been strictly complied with; that the judgments for taxes, the sales, & deeds were in every respect regular & valid, and claimed to have and to hold a valid and good title to said premises by virtue of his said several tax deeds, but declined to institute a suit at law against your orator to test the validity of his said tax deeds to said premises.

And your orator charges, upon information and belief, that the said Asahel Gage claims to have and to hold several tax deeds issued by the county clerk of said county by which he claims title, and that said tax deeds are based upon the tax sales, judgments, and proceedings, viz:

1st. Tax deed issued on the third day of July, A. D. 1880, by E. F. C. Klokke, county clerk of Cook county, State of Illinois, to Asahel Gage, and recorded on the eighth day of July, A. D. 1880, in the office of the recorder of deeds in and for said county of Cook, in Record Book 1005, at page 376, and a certified copy of said deed is hereto attached, marked Exhibit "2," and to which for greater certainty your orator craves leave to refer, upon sale made Aug. 8th, 1877.

8 And your orator further charges that the record of sale, judgment, and proceedings upon which said tax deed was issued was for the third installment of special assessments (warrant No. 36) levied & assessed by authority of the town of Lake for the laying of water pipe on 43d street, and the amount of said assessment was five dollars, and the amount of judgment, costs, & interest for which said sale was made was six and $\frac{98}{100}$ dollars; judgment rendered by the county court, July term, 1877.

And your orator further charges that said record of sale, judgment, and proceedings are informal, irregular, illegal, and void upon the grounds and for the reasons, viz:

1st. The process and record of sale and judgment erroneously described the premises as being situated in "block one, viz., assessor's division of S. W. $\frac{1}{4}$ section 4, town. 38, range 14, Lewis Heintz sub-d'n of 24 acres *ex* adj'g. W. 10 ac's of N. $\frac{1}{2}$ N. $\frac{1}{2}$ S. W. $\frac{1}{4}$, being part of lot 17, sub-lot- 12, 13, block '1,' lot 17."

2d. The premises in the process and record of sale & judgment are not described as being situated in the county of Cook & State of Illinois.

3d. The application for judgment made by the county collector was made at the June term of the county court instead of the May term as required by law.

4th. There was no notice given by the county collector that application for a judgment would be made at the May term of

9 the county court as required by law.

5th. There is no finding by the court in the application for judgment that due notice had been given by the county collector as required by law.

6th. There was no order made by the county court for the filing of objections to the entry of judgment as required by law.

7th. In the application made for a judgment by the county collector there was no order entered or signed by the court for judgment.

8th. The application made by the county collector for a continuance of the cause was not approved or signed by the court.

9th. Application having been made at the June term of the county court and no continuance of the cause by the court, it was error to render a judgment at the July term of the court.

10th. The court had no jurisdiction to render a judgment at the July term of the court July 16th, 1877.

11th. No notice was served by the purchaser at the tax sale upon the person in possession of the premises before the tax deed was issued as required by law.

12th. The notice pretended to be served by the purchaser at the tax sale upon the person to whom the premises were assessed was not addressed or directed in the name of the person to whom the premises were assessed or to any particular person, and was a mere blank notice and of no force or legal effect.

10 2d. Tax deed issued on the 30th day of June, A. D. 1880, by E. F. C. Klokke, county clerk of Cook county, State of Illinois, to Asahel Gage, and recorded on the first day of July, A. D. 1880, in the office of the recorder of deeds in and for said county of Cook, in Record Book 1000, at page 303, a certified copy of which deed is hereto attached, marked Exhibit "3," and to which for greater certainty your orator craves leave to refer, upon sale made Aug. 16th, 1877.

And your orator further charges that the record of sale, judgment, and proceedings upon which said tax deed last aforesaid purports to be issued was for the fifth installment of South Park assessment for the year 1876, and the amount of such assessment upon said premises, including interest and cost, was the sum of three & $\frac{38}{100}$ dollars, and judgment was rendered for that amount by the county court of said county, July term, A. D. 1877.

And your orator further charges that said record of sale, judgment, and proceedings last aforesaid and the said tax deed issued thereon is irregular, illegal, & void upon the grounds and for the reasons, viz:

1st. The record and list of delinquent lands & lots filed by the county collector, Louis C. Huck, Esq., on application for a judgment against said lands and lots erroneously describe the premises as being N. ½ W. ½, instead of N. ½ N. ½ S. W. ¼, viz., record of

11 a list of lands, lots, & blocks in the town- of South Chicago, Hyde Park, and Lake, in the county of Cook & State of Illinois, assessor's division of the S. W. ¼ section 4, town. 38, range 14, Lewis Heintz subd'n of 24 ac. *ex* adj. W. 10 ac. of N. ½ W. ½ S. W. ¼, being part of lot 17, section 4, town. 38, range 14, lot- 12, 13, bl'k 2, p't of lot 17.

2d. The court had no jurisdiction to render a judgment against the premises so erroneously described.

3d. There is a material variance in the description of the premises contained in the record of sale and the description of the premises contained in the record of judgment and delinquent list filed by the county treasurer as aforesaid.

4th. There is no certificate of the county clerk attached to the record and judgment, as required by law before sale.

5th. Application for judgment was made by the county collector to the county court at the June term thereof instead of the May term, as required by law.

6th. The purchaser at the tax sale Aug. 8th, 1877, Asahel Gage, allowed the premises to be again sold Aug. 16th, 1877, the sale upon which the tax deed last aforesaid was issued, contrary to the statute in such case made and provided.

7th. No notice was served by the purchaser at the tax sale upon the person in possession before the tax deed was issued, as required by law.

12 3d. Tax deed issued on the sixth day of July, A. D. 1880, by E. F. C. Klokke, county clerk of Cook county, State of Illinois, to Asahel Gage, and recorded on the ninth day of July, A. D. 1880, in the office of the recorder of deeds in and for said county of Cook, in Record Book 967, at page 636, a certified copy of which deed is hereto attached, marked Exhibit "4," and to which for greater certainty your orator craves leave to refer, upon sale made Aug. 27th, 1877; and your orator further charges that the record of sale, judgment, and proceedings upon which said deed last above described purports to be issued was for the State, county, and city taxes for the year 1876, and the total amount of said assessment was sixteen & $\frac{8}{100}$ dollars, and the amount of judgment and costs for which said premises were sold for said tax is the sum of sixteen and $\frac{88}{100}$ dollars, judgment rendered in the county court of Cook county, July term, A. D. 1877; and your orator further charges that the record of sale, judgment, and proceedings upon which said tax deed last aforesaid is based are informal, irregular, illegal, and void, and the tax deed so issued as aforesaid upon said judgment and proceedings is void upon the ground and for the reasons, viz:

1st. The judgment purporting to have been rendered in the cause is void on its face in that it does not recite that judgment is entered "in favor of the people of the State of Illinois."

2d. The order for judgment is void on its face in that it does not state that judgment is entered in favor of the people of the State of Illinois.

13 3d. The premises described in the report of Peter Murphy, town collector for the town of Lake, for the year 1876, upon which taxes remain due and unpaid, erroneously described the premises as being situated in "W. $\frac{1}{2}$ N. $\frac{1}{2}$ S. W. $\frac{1}{4}$," viz: Town of Lake, county of Cook and State of Illinois, assessor's division of S. W. $\frac{1}{4}$, section 4, town. 38, range 14, Lewis Heintz' subd. of 24 ac's *ex* adj. W. 10 ac's of W. $\frac{1}{2}$ N. $\frac{1}{2}$ S. W. $\frac{1}{4}$, section 4th, town. 38, range 14, sublots 12, 13, block 2, being part of lot 17.

4th. The report of Louis C. Huck, county collector delinquent list,

does not describe the premises as being in the county of Cook and State of Illinois.

5th. The county court had no jurisdiction to render a judgment against the premises under such erroneous description in the delinquent list so filed.

6th. The notice of application for a judgment made by the county collector was for the June term of the county court instead of the May term of the court, as required by law.

7th. The purchaser at the tax sale, Asahel Gage, defendant herein, was the purchaser at the tax sale made August 8th, 1877, and Aug. 16th, 1877, hereinbefore described, and allowed the premises to be again sold August 27th, 1877, which is the same tax for which the sale was made and deed issued last aforesaid, contrary to the statute in such case made and provided.

8th. The purchaser at the tax sale, Asahel Gage, did not serve notice upon the person in possession of the premises before
14 the deed was issued provided by law.

9th. The notice purporting to have been served by the purchaser upon the person to whom the premises were assessed is one day short of the time required by law.

10th. The assessor for the year 1876, town of Lake, did not return his assessment books to the county clerk of said county of Cook until after the time required by law and not until the 13th day of July, 1876.

11th. The collector for the town of Lake for the year for which said assessment was payable did not call upon Peter Caldwell, the person to whom said premises were assessed, for the tax due, as required by law.

And for divers & sundry other good & sufficient objections apparent upon the face of said record of sale, judgment, & proceedings upon which each of said tax deeds were issued as aforesaid; all which will more fully and at large appear on reference to the said records of sales, judgments, & proceedings in each of said causes, now remaining in the office of the county clerk of said county of Cook and State of Illinois, and to which or a certified copy thereof your orator, for greater certainty, craves leave to refer.

And your orator further represents upon information and belief that the said Peter Caldwell, the person to whom said premises were assessed, did not appear in person or by attorney in either of
15 said suits and did not defend said suits or either of them, and that your orator had no notice that said premises had been sold for said taxes or either of them or the execution of said certificates of purchase or either of them or the making & issuing of said deeds or either of them until long after the date of your orator's said purchase from the said Peter Caldwell as aforesaid.

And your orator further charges that said tax deed and each of them so issued as aforesaid upon the respective sales, judgments, & proceedings as aforesaid for the reasons respectively aforesaid are illegal and void.

But that said tax deeds so issued as aforesaid and each of them, being fair on their face, constitute color of title in the said Asahel

Gage and create a cloud upon the title of your orator in the said premises as first above described and tend to depreciate the value thereof and ought, therefore, to be set aside and declared null & void and delivered up to be canceled under the direction, order, and decree of this honorable court.

And your orator further charges on his best information and belief that the full amount paid by the said Asahel Gage upon the several tax sales aforesaid does not exceed the sum of twenty-seven & $\frac{24}{100}$ dollars.

And your orator further charges upon information and belief that the said Asahel Gage claims to have paid the taxes or
16 some part thereof as assessed for some one or more years since his said purchase and prior thereto, but for what time or for what amount your orator is not informed & therefore cannot state.

And your orator further avers that he has repeatedly called upon the said Asahel Gage in a business-like and friendly manner and requested him to name the amount so paid out and expended by him as aforesaid in and about the said tax sales, costs, & disbursements aforesaid, together with all interest and penalties provided by law, and your orator then and there offered to pay all such sum or sums of money as the said Asahel Gage may be entitled to as such purchaser and for taxes, together with interest, costs, & penalalties provided by law at such tax sales of the premises aforesaid under said tax deeds and each of them.

And your orator well hoped that the said Asahel Gage would have named the amount & received and accepted the same from your orator.

But now so it is, may it please this honorable court, your orator now here tenders to the said Asahel Gage and offers to pay whatever sum or sums of money be found by this court to have been paid out and expended by the said Asahel Gage in the payment & purchase at said tax sales and each of them, together with all costs and disbursements attending them and for all taxes paid
17 upon said premises at any other time, including all costs and damages & penalties provided by law, with interest under the statute in these special case- and ordinary interest, whatever the sum found may be, and your orator will keep his tender good and abide and perform the order & decree of the court in the premises.

Forasmuch, therefore, as your orator is without remedy in the premises, except in a court of equity, and to the end that the said Asahel Gage, who is made a party defendant to this bill of complaint, may be required to make full and direct answer to the same, but not under oath, an answer under oath being hereby expressly waived—

And that the three several judgments against the said premises, the proceedings thereon, and the said three several tax deeds to the said Asahel Gage may be set aside and declared void as against your orator as a cloud upon the title of your orator, and that the said deeds & each of them may be decreed to be delivered up to be canceled, and that your orator may have such other and such further

relief in the premises as the nature of his case seems to require and justice and equity demands—

May it please your honors, the premises being considered, to grant unto your orator the people's writ of summons in chancery, directed to the sheriff of said county of Cook, commanding him
18 that he summon the defendant, Asahel Gage, to appear before the said circuit court on the first day of the next term thereof, to be held at the court-house in the city of Chicago, in the county of Cook aforesaid, then and there to answer this bill of complaint.

And your orator will ever pray, &c.

JOHN H. BANI.

LEVI SPRAGUE,
Sol'r for Compl't.

STATE OF ILLINOIS, } ss:
Cook County, }

On this 9th day of November, one thousand eight hundred and eighty-three, personally came before me John H. Bani, who, being duly sworn, saith that he is the complainant in the above bill of complaint by him subscribed, and that he has heard read the foregoing bill of complaint and knows the contents thereof, and that the same is true of his own knowledge except as to the matters and things therein stated upon information and belief, and as to these matters he believes it to be true.

JOHN H. BANI.

Subscribed and sworn to before me this 9th day of November, A. D. 1883.

[N. P. SEAL.] LEVI SPRAGUE,
Notary Public.

19 STATE OF ILLINOIS, } ss:
County of Cook, }

Circuit Court of Cook County. October Term, A. D. 1883.

JOHN H. BANI } Chancery.
vs.
ASAHEL GAGE. }

John H. Bani, being duly sworn, deposes and says that he is the complainant in the above-entitled cause, and that Asahel Gage, defendant, resides out of this State, so that process cannot be served upon him, and affiant further states that the place of residence of said defendant is Vineland, Cumberland county and State of New Jersey; and further deponent saith not.

JOHN H. BANI.

Subscribed and sworn to before me this 9th day of November, A. D. 1883.

[SEAL.] LEVI SPRAGUE,
Notary Public.

EXHIBIT No. "1."

Warranty Deed, Statutory Form.

This indenture witnesseth, that the grantors, Peter Caldwell and Ann Caldwell, his wife, of the town of Lake, in the county of Cook and State of Illinois, for and in consideration of the sum of three thousand ($3,000) dollars, in hand paid, convey and warrant to John Bani, of the town of Lake, county of Cook and State of Illinois, the following-described real estate, to wit: Lots numbers twelve (12) and thirteen (13), in block number two (2), in Louis Heintz's subdivision of twenty-four acres east and adjoining the west ten (10) acres of the north half (½) of the north half of the southwest one-quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian, situated in the county of Cook, in the State of Illinois, hereby releasing and waiving all right under and by virtue of the homestead exemption laws of this State.

Dated this fifteenth day of May, A. D. 1882.

PETER CALDWELL. [SEAL.]
ANN CALDWELL. [SEAL.]

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Mathew Fleming, a notary public in and for said county, in the State aforesaid, do hereby certify that Peter Caldwell and Ann Caldwell, his wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 15th day of May, A. D. 1882.

MATHEW FLEMING,
[SEAL.] *Notary Public.*

Warranty Deed, Statutory Form.

Peter Caldwell and wife to John H. H. Bani.

No. 395,565.

STATE OF ILLINOIS, } ss:
Cook County, }

This instrument was filed for record in the recorder's office of Cook county aforesaid on the 16th day of May, A. D. 1882, at 11 o'clock a. m., and recorded in Book 1166 of Deeds, on page 288.

JAS. W. BROCKWAY, *Recorder.*

22 EXHIBIT "2."

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes, made in the county aforesaid on the eighth (8th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots eleven (11), twelve (12), thirteen (13), and fourteen (14), in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of north half (½) of the southwest quarter (¼) of section four (4), being part of lot seventeen (17) in the assessor's division of southwest quarter (¼) of said section four (4), and lots twenty-six (26) and twenty-seven (27), in block two (2), in Jackson and Weage's subdivision of south half (½) of south twenty-five (25) acres of northwest quarter (¼) of northeast quarter (¼) of section nine (9), and sub-lot four (4) of lot thirteen (13) and sub-lot one (1) of lot sixteen (16) and sub-lots one (1) and four (4) of lot twenty-one (21), all in block one (1), and all in Caw's resubdivision of part of Kedzie's subdivision of the southwest quarter (¼) of the southeast quarter (¼) of section nine (9), and lots one (1) and four (4), in block four (4), in Peter Shimp's second (2nd) subdivision of four (4) acres in northeast part of southeast quarter (¼) of
23 southeast quarter (¼) of section nine (9), and sub-lot thirteen (13) of lot two (2), in Nichols and McKindley's subdivision of that part of lot nine (9) west of railroad in the school trustees' subdivision of section sixteen (16), all in township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian.

Also on the sixth (6th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Sub-lot four (4) of lot thirty-six (36), in block two (2), in Caw's resubdivision of part of Kedzie's subdivision of the southwest quarter (¼) of the southeast quarter (¼) of section nine (9), and except the south thirty-seven and one-half (37½) feet of lots twenty-three (23), twenty-four (24), and twenty-five (25), in block three, in Ira J. Nichols' subdivision of the east half (½) of lots fifteen (15) and sixteen (16), in the school trustees' subdivision of section sixteen (16), all in township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian.

Also on the first (1st) day of August, A. D. 1877, the following-described real estate was sold, to wit: The undivided half (½) of lot eight (8) in a subdivision of ten and sixty-two one-hundredths (10.62) acres, (including private road) east and adjoining the west thirty-three (33) acres northeast of plank road of northeast quarter (¼) of section thirty-six (36), in township forty (40) north, range thirteen (13) east, of the third (3d) principal meridian, all situate in the county of Cook and State of Illinois.

24 And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

The following provision of the revised statutes of said State of Illinois, being section 225 of chapter 120, is recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed, as entitled by law, and files the same for record within one year from and after the time for redemption expires, the said certificate or deed and the sale on which it is based shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this third (3d) day of July, A. D. 1880.

E. F. C. KLOKKE,
County Clerk.

[Seal County Court, Cook County, Illinois, organized 1849.]

25 STATE OF ILLINOIS, } ss:
County of Cook, City of Chicago, }

On this third (3d) day of July, A. D. 1880, before me, J. P. Voswinkle, a notary public in and for said county, personally appeared E. F. C. Klokke, county clerk of said Cook county, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[Seal John P. Voswinkle, Notary Public, Chicago, Cook Co., Ills.]

J. P. VOSWINKLE,
Notary Public.

No. 279,617.

Filed for record on the 8th day of July, A. D. 1880, at 3 o'clock p. m.

JAS. W. BROCKWAY, *Recorder.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, James W. Brockway, recorder of deeds in and for said county, in the State aforesaid, do hereby certify that the annexed is a true and correct copy of the record of a certain instrument filed in my

office the 8th day of July, A. D. 1880, as document No.
26 279,617, and recorded in Book 1005 of Records, at page 376.
In testimony whereof I have hereunto set my hand and affixed my official seal, at Chicago, this 1st day of Nov., A. D. 1883.

[SEAL.] JAS. W. BROCKWAY, *Recorder.*

EXHIBIT "3."

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes, made in county aforesaid on the twenty-eighth (28) day of July, A. D. 1877, the following-described real estate was sold, to wit: One and one-quarter (1¼) acres in southwest quarter (¼) of northwest quarter (¼) of section three (3), in township forty-two (42) north, range nine (9) east, of the third (3d) principal meridian;

Also on the seventeenth (17th) day of August, A. D. 1877, the following-described real estate was sold, to wit:

Lots three (3), thirteen (13), fourteen (14), and fifteen (15), in block four (4), and lots thirty-seven (37), thirty-eight (38), forty-seven (47), and forty-eight (48), in block six (6), all in Rosendale, being John N. Staple's subdivision of east half (½) of the east half (½) of the northwest quarter (¼) of section ten (10), in township thirty-eight (38) north, range thirteen (13) east, of the third (3d) principal meridian;

Also on the sixteenth (16th) day of August, A. D. 1877, the following-described real estate was sold, to wit:

27 Lots twenty-four (24) and twenty-five (25), in block two (2), in A. J. Fawcett's subdivision of the west ten (10) acres of north half (½) of north half (½) and west five (5) acres of north half (½) of west half (½) of south half (½) of north half (½) of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the the third (3d) principal meridian, being the west five (5) acres of the northwest quarter (¼) of lot sixteen (16) and the west ten (10) acres of lot seventeen (17), in the assessor's division of the southwest quarter (¼) of said section four (4), and lots eleven (11), twelve (12), thirteen (13), and fourteen (14), in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of north half (½) of the southwest quarter (¼) of section four (4), being part of lot seventeen (17), in the assessor's division of the southwest quarter (¼) of said section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian, all situate in the county of Cook and State of Illinois;

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of

said county of Cook, in consideration of the premises and
28 by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law. The following provision of the revised statutes of said State of Illinois, being section 225 of chapter 120, is recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires the said certificate or deed and the sale on which it is based shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court, or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this thirtieth day of June, A. D. 1880.

[Seal County Court, Cook County, Illinois, organized 1849.]

E. F. C. KLOKKE,
County Clerk.

29 STATE OF ILLINOIS, } ss:
County of Cook, City of Chicago, }

On this thirtieth (30) day of June, A. D. 1880, before me, J. P. Voswinkle, a notary public in and for said county of Cook, personally appeared E. F. C. Klokke, county clerk of said county of Cook, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[Seal John P. Voswinkle, Notary Public, Chicago, Cook Co., Ills.]

J. P. VOSWINKLE,
Notary Public.

No. 278,744.

Filed for record first July, 1880, at 1 p. m.
JAS. W. BROCKWAY, *Recorder.*

30 STATE OF ILLINOIS, } ss:
County of Cook, }

I, James W. Brockway, recorder of deeds in and for said county, in the State aforesaid, do hereby certify that the annexed is a true and correct copy of the record of a certain instrument filed in my office the first day of July, A. D. 1880, as document No. 278,744 and recorded in Book 1000 of Records, at page 303.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Chicago, this 1st day of November, A. D. 1883.

[SEAL.] JAS. W. BROCKWAY, *Recorder.*

EXHIBIT "4."

No. K 1197.

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the twenty-eighth (28) day of August, A. D. 1877, the following-described real estate was sold, to wit:

Lot forty-five (45), in block two (2), in Phares subdivision of lots four (4), five (5), six (6), and seven (7), in S. H. Kerfoot's subdivision of north half (½) of northeast quarter (¼) of the northeast quarter (¼) of section one (1) and lots three (3), thirteen (13), four-
31 teen (14), and fifteen (15), in block four (4), and lots thirty-seven (37), thirty-eight (38), forty-seven (47), and forty-eight (48), in block six (6), all in Rosedale, being John L. Staple's subdivision of east half (½) of east half (½) of northwest quarter (¼) of section ten (10), all in township thirty-eight (38) north, range thirteen (13) east, of the third (3d) principal meridian;

Also on the seventh (7th) day of August, A. D. 1887, the following-described real estate — sold, to wit: Lots twenty-four (24) and twenty-five (25), in block two (2), in A. J. Fawsett's subdivision of west ten (10) acres of north half (½) of north half (½) and west five (5) acres of north half (½) of west half (½) of south half (½) of north half (½) of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14), being west five (5) acres of northwest quarter (¼) of lot sixteen (16) and the west ten acres of lot seventeen (17), in assessor's division of southwest quarter (¼) of section four (4);

Also on the twenty-seventh (27) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots eleven (11), twelve (12), thirteen (13), and fourteen, in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining west ten (10) acres of north half (½) north half (½) of southwest quarter (¼), being part of lot seventeen (17), of assessor's division of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian, all situate in the county
32 of Cook and the State of Illinois;

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do

hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

The following provision of the revised statutes of said State of Illinois, being section 225 of chapter 120, is recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires the said certificate or deed and the sale on which it is based shall from and after the expiration of such one year be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time."

33 Given under my hand and the seal of our court this sixth (6th) day of July, A. D. 1880.

[Seal County Court, Cook County, Illinois. Organized 1849.]

E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, }
County of Cook, City of Chicago, } ss:

On this sixth (6th) day of July, A. D. 1880, before me, J. P. Voswinkle, a notary public in and for said county, personally appeared E. F. C. Klokke, county clerk of said county of Cook, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[Seal John P. Voswinkle, Notary Public, Chicago, Cook Co., Ills.]

J. P. VOSWINKLE,
Notary Public.

No. 279,652.

Filed for record July 9, A. D. 1880, at 9 a. m.
JAS. W. BROCKWAY, *Recorder.*

34 STATE OF ILLINOIS, }
County of Cook, } ss:

I, James W. Brockway, recorder of deeds in and for said county, in the State aforesaid, do hereby certify that the annexed is a true and correct copy of the record of a certain instrument filed in my office the 19th day of July, A. D. 1880, as document No. 279,652, and recorded in Book 967 of Records, at page 636.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Chicago, this 1st day of November, A. D. 1883.

[SEAL.] JAS. W. BROCKWAY, *Recorder.*

Summons.

STATE OF ILLINOIS, } ss:
County of Cook, }

The People of the State of Illinois to the sheriff of said county, Greeting:

We command you that you summon Asahel Gage, if he shall be found in your county, personally to be and appear before the circuit court of Cook county on the first day of the term thereof, to be holden at the court-house, in Chicago, in said Cook county, on the third Monday of December, A. D. 1883, to answer unto John H. Bani in his certain bill of complaint filed in said court, on the chancery side thereof.

And have you then and there this writ, with an endorse-
35 ment thereon in what manner you shall have executed the same.

Witness Jacob Gross, clerk of said court, and the seal thereof, at Chicago, in said county, this 6th day of December, A. D. 1883.

[SEAL.] JACOB GROSS, *Clerk.*

(Endorsed:) Rec'd at — o'clock —. m., Dec. 6, 1883. Seth F. Hanchett, sheriff.

P'd 10c.

The within-named defendant not found in my county this 17th day of December, A. D. 1883.

SETH F. HANCHETT, *Sheriff,*
By D. W. NICKERSON, *Deputy.*

And thereupon, on the 19th day of December, A. D. 1883, there *was* filed in said court a certain publication notice and certificate of mailing, which notice and certificate are in words and figures following, to wit:

Levi Sprague, att'y, 41–84 La Salle St.

STATE OF ILLINOIS, } ss:
County of Cook, }

Circuit Court of Cook County. November Term, A. D. 1883. In Chancery.

JOHN H. BANI }
vs. } No. 46715.
ASAHEL GAGE. }

Affidavit of non-residence of Asahel Gage, defendant above
36 named, having been filed in the office of the clerk of the said circuit court of Cook county, notice is hereby given to the said Asahel Gage that the complainant heretofore filed his bill of complaint in said court, on the chancery side thereof, and that a

summons thereupon issued out of said court against said defendant, returnable at the court-house, in the city of Chicago, in said county, on the third Monday of December, (1883), as is by law required, which cause is now pending and undetermined in said court.

JACOB GROSS, *Clerk.*

LEVI SPRAGUE,
Compl't's Sol'r.

STATE OF ILLINOIS, } ss:
Cook County, }

I, Jacob Gross, clerk of the circuit court of Cook county, in the State aforesaid, hereby certify that on the 19th day of December, A. D. 1883, being within ten days after first publication of the within notice, I sent by mail a copy of said notice to the defendants named therein as follows:

One to Asahel Gage, Vineland, Cumberland county, New Jersey, in pursuance of section 12 of an act of the General Assembly of the State of Illinois in force July 1, 1872, entitled "An act to regulate the practice in courts of chancery."

Witness my hand and the seal of said court this 19th day of December, A. D. 1883.

[SEAL.] JACOB GROSS, *Clerk.*

37 And thereupon, on the 21st day of January, A. D. 1884, there was filed in said cause the appearance of defendant, Asahel Gage, in the words and figures following, to wit:

STATE OF ILLINOIS, } ss:
County of Cook, }

In the Circuit Court of Cook County.

JOHN H. BANI } In Chancery.
vs.
ASAHEL GAGE. }

I hereby enter the appearance of Asahel Gage, the defendant, to the said bill of complaint of John H. Bani, the above-named complainant.

ASAHEL GAGE,
By AUGUSTUS N. GAGE,
His Solicitor.

And thereupon, on the 6th day of February, A. D. 1884, there was filed in said cause a certain petition and bond for the removal of said cause to the United States circuit court; which said petition and bond are in the words and figures following, to wit:

STATE OF ILLINOIS, } ss:
Cook County, }

In the Circuit Court of Cook County, to the January Term, A. D. 1884.

JOHN H. BANI }
vs.
ASAHEL GAGE. }

Petition for Removal to the Circuit Court of the United States for the Northern District of Illinois.

38 To the honorable the judges of said circuit court, in chancery sitting:

Your petitioner, Asahel Gage, respectfully shows that he is the defendant in the above-entitled suit; that at the time of the commencement of said suit he was and still is a citizen and resident of the State of New Jersey; that the said complainant, the said John H. Bani, was at the time of the commencement of said suit and still is a citizen and resident of the State of Illinois.

Your petitioner further states that in the said suit there is a controversy which is wholly between citizens of different States and which can be fully determined as between them, to wit, a controversy between the said John H. Bani, who is a citizen and resident of the State of Illinois, and your petitioner, who is a citizen and resident of the State of New Jersey.

Your petitioner further states that said suit was commenced in this court on or about the 6th day of December, A. D. 1883; that the term of said court at which the same could be first tried is the January term, A. D. 1884, thereof, and that the matter and amount in dispute in said suit exceeds, exclusive of costs, the sum or value of five hundred dollars.

And your petitioner offers herewith a bond, with good and sufficient surety, for his entering in said circuit court of the United States on the first day of its next session a copy of the record in this suit and for paying all costs that may be awarded by said circuit
39 court if said court shall hold that this suit was wrongfully or improperly removed thereto.

Your petitioner therefore prays that the said surety and bond may be accepted, and that an order may be made and entered by this honorable court herein removing said suit into the said circuit court of the United States for the northern district of Illinois, according to the statutes of the United States in such case made and provided; and your petitioner will ever pray, &c.

ASAHEL GAGE,
By AUGUSTUS N. GAGE,
His Attorney-in-Fact.

STATE OF ILLINOIS, } ss:
Cook County, }

I, Augustus N. Gage, being duly sworn, say that I am the attorney-in-fact for the petitioner, Asahel Gage, and for such purpose com-

missioned; that I have read the foregoing petition and know the contents thereof, and that the statements therein contained are true, as I verily believe.

AUGUSTUS N. GAGE.

Subscribed and sworn to before me this 6th day of February, 1884.

JACOB GROSS, *Clerk.*

40 STATE OF ILLINOIS, } ss:
County of Cook, }

In the Circuit Court of Cook County, Illinois, to the January Term, A. D. 1884.

JOHN H. BANI }
vs. } In Chancery.
ASAHEL GAGE. }

Know all men by these presents that we, Asahel Gage, of Vineland, in the county of Cumberland and State of New Jersey, and Henry H. Gage, of the county of Cook and State of Illinois, are held and firmly bound unto John H. Bani in the sum of five hundred ($500.00) dollars, good and lawful money of the United States of America, to be paid to the said John H. Bani or to his executors, administrators, or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly, severally, and firmly by these presents.

Sealed with our seals and dated this 6th day of February, A. D. 1884.

The condition of the above obligation is such that whereas John H. Bani has filed with the clerk of the circuit court of Cook county, Illinois, a bill of complaint against the above-bounden Asahel Gage; and whereas the said Asahel Gage is a non-resident of the State of Illinois and is a citizen and resident of the State of New Jersey; and whereas the said Asahel Gage has filed with said clerk of said circuit court of Cook county, Illinois, and in said cause a pe-
41 tition for the removal of said cause to the circuit court of the United States for the northern district of the State of Illinois:

Now, therefore, if the said Asahel Gage shall enter in said circuit court on the first day of its next session a copy of the record of said suit and shall pay all costs that may be awarded by said circuit court if said court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation to be void; otherwise to remain in full force and virtue.

ASAHEL GAGE, [SEAL.]
By AUGUSTUS N. GAGE, [SEAL.]
His Attorney-in-Fact.
HENRY H. GAGE. [SEAL.]

Approved.
T. A. MORAN, *Judge.* [SEAL.]

And thereupon, on the 7th day of February, A. D. 1884, the following proceedings were had and entered of record in said court, to wit:

JOHN H. BANI
vs.
ASAHEL GAGE. } 2650. Bill.

This day came the said defendant, Asahel Gage, by his solicitor, and filed his petition for the transferring of said cause into the United States circuit court for the northern district of Illinois.

42 And the said defendant offering as surety a bond in the penal sum of five hundred dollars, with Asahel Gage as principal and Henry H. Gage as surety, conditioned that said defendant will enter into said circuit court of the United States on the first day of its next session a copy of the record in said cause, and the court, being fully satisfied with the surety offered, doth order that said cause be, and it hereby is, transferred to said United States circuit court for the northern district of Illinois, according to the act of Congress in such case made and provided.

UNITED STATES OF AMERICA:

STATE OF ILLINOIS, }
Cook County. }

I, Jacob Gross, clerk of the circuit court of Cook county, in the State aforesaid, do hereby certify the above and foregoing to be a true, perfect, and complete transcript of the record in a certain cause lately pending in said court, on the chancery side thereof, between John H. Bani, complainant, and Asahel Gage, defendant.

In witness whereof I have hereunto set my hand and affixed the seal of said court, at Chicago, in said county, this eleventh day of February, A. D. 1884.

[SEAL.] JACOB GROSS, *Clerk.*

43 STATE OF ILLINOIS, }
County of Cook, } *ss:*

I, John G. Rogers, presiding judge of the circuit court of Cook county, in the State of Illinois, hereby certify that Jacob Gross, who signed the above certificate, was at the time of signing the same and is now clerk of the said circuit court of Cook county, duly commissioned and qualified; that said court is a court of record, having a clerk and seal; that said attestation is in due form and by the proper officer, according to the laws of the State of Illinois, and that the above signature of said clerk is genuine.

Witness my hand and seal, at Chicago, in said county of Cook, this 11th day of February, A. D. 1884.

JNO. G. ROGERS,
Judge of the Circuit Court of Cook County. [SEAL.]

Endorsed: Filed March 1, 1884. Wm. H. Bradley, clerk.

44 On the same day, to wit, on the first day of March, 1884, came the defendant, by his solicitor, and filed in said clerk's office his plea in said entitled cause; which said plea is in the words and figures following, to wit:

Plea.

UNITED STATES OF AMERICA, }
State of Illinois, } *ss:*

In the Circuit Court of the United States for the Northern District of the State of Illinois.

JOHN H. BANI }
vs. } In Chancery.
ASAHEL GAGE. }

The plea of Asahel Gage, the above-named defendant, to the bill of complaint of John H. Bani, the above-named complainant.

This defendant, by protestation, not confessing or acknowledging the matters and things in and by the said bill set forth and alleged to be true in such manner and form as the same are thereby and therein set forth and alleged, for plea to the whole of said bill or to so much and such part thereof as seek to cancel, remove, and declare void certain tax deeds issued to this defendant, as alleged in said bill of complaint, as being clouds upon the title of the complainant to the real estate in said bill and said deeds described, this defendant doth plea thereto, and for plea saith that heretofore, to wit, on
45 the 24th day of July, A. D. 1876, one Herman Lieb, who was then the county clerk of Cook *of* county, in the State of Illinois, acting as such county clerk and under the provisions of the law of the State of Illinois, by chapter 120 of the Revised Statutes of the State of Illinois, in such case made and provided, duly signed, sealed, executed, acknowledged, and delivered to this defendant, Asahel Gage, a deed of conveyance, commonly known as a tax deed, wherein and whereby he conveyed to this defendant and to his heirs and assigns forever the title to lands and real estate mentioned and described in said bill of complaint, and also the title in and to said lands and real estate at that time belonging to or claimed by the said complainant's said grantors, the said Peter Caldwell and Ann Caldwell, his wife, mentioned in said bill of complaint; which said lands and real estate were in said deed to this defendant described as lots twelve (12) and thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section four (4), township thirty-eight (38) north, of range fourteen (14) east, of the third principal meridian, situate in said county of Cook and State of Illinois.

And afterwards, to wit, on the 3rd day of August, A. D. 1876, at the hour of 3 o'clock p. m. of said day, the said tax deed last afore-

said was duly filed for record in the recorder's office of Cook
46 county, Illinois, and therein duly recorded as document No. 97178, in Book 841 of Records, at page 451.

All of which said matters and things will more fully and at large appear by reference to the records of the said recorder's office or to said tax deed with the recorder's certificate thereto attached; which said tax deed is now in this defendant's possession and ready to be produced upon the hearing of this plea, as this honorable court shall direct; all of which said matters and things this defendant doth aver and plead in bar to the whole of said complainant's said bill of complaint, and prays judgment of this honorable court whether he should make further answer to the said bill of complaint.

ASAHEL GAGE,
By AUGUSTUS N. GAGE,
His Solicitor.

AUGUSTUS N. GAGE, *Of Counsel.*

STATE OF ILLINOIS, } ss:
County of Cook, }

Augustus N. Gage, being first duly sworn according to law, says that he is the attorney-in-fact for the said Asahel Gage, for whom he signed the foregoing plea; that he has read the said plea by him subscribed and knows the contents thereof; that the matters and things therein contained are true, as this affiant verily be-
47 lieves, and that the said plea is not interposed for delay.

AUGUSTUS N. GAGE.

Subscribed and sworn to before me this 1st day of March, A. D. 1884.

[SEAL.]

EUGENE R. COX,
Notary Public, Cook Co., Ills.

I hereby certify that in my opinion the foregoing plea of the said defendant, Asahel Gage, to the bill of complaint of the above-named complainant is well founded in point of law.

AUGUSTUS N. GAGE,
Of Counsel for Defendant.

Endorsed: Filed March 1, 1884. Wm. H. Bradley, clerk.

48 Afterwards, to wit, on the eighth day of March, 1884, came the complainant, by his solicitor, and filed in said clerk's office his appearance in said entitled cause; which said appearance is in the words and figures following, to wit:

Appearance.

In the Circuit Court of the United States for the Northern District of Illinois. March Term, A. D. 1884.

JOHN H. BANI, Complainant,
vs.
ASAHEL GAGE, Defendant. } In Chancery.

Cause removed from the circuit court, Cook county, State of Illinois.

And now comes the above-named complainant, John H. Bani, by Levi Sprague, his solicitor, and enters his appearance in the above-entitled cause in this honorable court.

LEVI SPRAGUE,
Sol'r for Compl't.

Endorsed: Filed M'ch 8, 1884. Wm. H. Bradley, clerk.

49 Afterwards, to wit, on the twenty-fourth day of March, in the adjourned March term of said court, 1884, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

JOHN H. BANI
vs.
ASAHEL GAGE. } In Chancery.

Now come the parties, by their solicitors; and on motion of —— ——, solicitors, this cause is set down for hearing upon the pleadings and proofs.

Afterwards, to wit, on the fourth day of August, in the July term of said court, 1884, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

JOHN H. BANI
vs.
ASAHEL GAGE. } In Chancery.

This cause having been previously submitted to the court on the question of sufficiency of the plea of the defendant to the complainant's bill herein, *and* the court, being sufficiently advised, holds said plea to be insufficient; and, on motion of the defendant, by his counsel, leave is given him to answer said bill, said answer to be filed herein by the first day of September next.

50 Afterwards, to wit, on the 27th day of August, 1884, came Asahel Gage, by his solicitor, and filed in said clerk's office his answer to the bill in said entitled cause; which said answer is in the words and figures following, to wit:

Answer.

UNITED STATES OF AMERICA, } ss:
Northern District of the State of Illinois, }

In the Circuit Court of the United States for the Northern District of Illinois.

JOHN H. BANI }
vs. } In Chancery.
ASAHEL GAGE. }

The answer of Asahel Gage, the above-named defendant, to the bill of complaint of John H. Bani, the above-named complainant.

This defendant, now and at all times hereafter saving and reserving unto himself all and all manner of benefit and advantage of exception or otherwise which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said complainant's said bill of complain*ant* contained, for answer thereto, or to so much and such parts thereof as this defendant is advised it is or may be material or necessary for him to make answer unto, answering, denies that the said complainant is the owner and
51 in the actual possession of the lands and real estate described in said bill of complaint and known and described as lots twelve (12), thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half of the north half of the southwest quarter of section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian, situate and being in the county of Cook and State of Illinois.

For a further answer to the said bill of complaint this defendant says he does not know whether the said complainant has a deed from Peter Caldwell and his wife or not, but calls upon the said complainant for strict proof thereof; but this defendant admits that the said lands and real estate are now worth eight thousand dollars.

For a further answer to the said bill of complaint this defendant denies that the said complainant, as tenant of said Peter Caldwell, took possession of the said property on the 27th day of March, 1880, and he denies that the said complainant has, ever since said date last aforesaid, continuously up to the date of the filing of the bill of complain*ant* therein, been in possession thereof, and he denies that the said complainant has paid all or any taxes or assessments assessed upon said property as they became due or payable or at any other time.

And this defendant denies that said Peter Caldwell men-
52 tioned in said bill of complaint was ever the owner of said lands and real estate, and he denies that the said Peter Caldwell

had been in continuous possession of said property from the said alleged 27th day of April, 1868, to the time of the alleged deed from him to the said complainant under claim and color of title or otherwise, and he denies that the said Peter Caldwell had paid all or any taxes assessed thereon as they became due and payable for a period of more than seven years or for any period whatsoever.

And this defendant denies that at the date of the alleged conveyance from the said Peter Caldwell to the said complainant that the said complainant had no notice that he, this defendant, had or claimed to have any right, title or interest in or to said premises or any part thereof, but, on the contrary thereof, this defendant avers that the said complainant, upon the date of the said alleged conveyance to him and for a long time before said date, was well aware that this defendant was the owner of said lands and real estate.

And this defendant expressly denies that the said complainant first learned of his, this defendant's, title to said land in the month of March, A. D. 1883, and he expressly denies that the said complainant ever made application to him to purchase his said title, at which application he made an offer to pay to him a reasonable sum of money for this defendant's expenses and disbursements in the premises.

53 And this defendant, for a further answer to the said bill of complaint, expressly denies that he ever refused to comply with any reasonable request to sell said property, but he admits that he always truthfully pretended to every person making inquiries in relation to his title to said real estate that his title was legal and valid; that all the requirements of the law had been strictly complied with; that the judgment for taxes, the sales, and deeds were each respectively regular and valid; that he claimed to have and to hold a valid and good title to said premises by virtue of his several tax deeds; but this defendant denies that he ever declined to institute a suit against any person to test the validity of his said title.

For a further answer to the said bill of complaint this defendant admits that he claims to be the owner of the said lands and real estate by virtue of the several tax deeds mentioned and set out in said bill of complaint; but this defendant denies each and every allegation in the said bill of complaint contained wherein and whereby it is charged any irregularity or invalidity existed in any or either of said tax deeds. On the contrary thereof, this defendant says and doth and will insist and upon the trial hereof will prove that his said tax deeds mentioned in said bill of complaint are each and every of them regular, valid, and sufficient, and that by either of said tax deeds a title of inheritance in the law became and

54 was vested in this defendant, and that by either of said tax deeds he acquired a paramount title to all others, and by authority thereof is now the owner in fee simple of said real estate

For a further answer to the said bill of complaint this defendant denies that his said titles to the said real estate are irregular, defected, or void, and he denies that either of said deeds create a cloud upon the title of the said complainant to said real estate, or that they create a cloud at all, or that they ought to be cancelled and set aside.

For a further answer to the said bill of complaint this defendant denies that the amount paid out by this defendant upon his purchases of the said property at tax sale and the payment of taxes thereon does not exceed the sum of seventy-seven dollars and twenty-four cents ($77.24); but this defendant admits the allegations of said bill that he, this defendant, claims to have paid the taxes or some part thereof as assessed for some one or more years since his said purchase and prior thereto; but he expressly denies that the amount of said taxes and the time of the payment thereof are unknown to the said complainant.

For a further answer to the said bill of complaint this defendant says and doth and will insist that he is the owner of the said lands and real estate by virtue of sundry and divers other good and sufficient titles of inheritance in the law in fee simple para-
55 mount to the title claimed by the said complainant.

For a further answer to the said bill of complaint this defendant saith that he is the owner of the said lands and real estate by virtue of a title of inheritance in the law in fee simple, which title is evidenced by a deed of conveyance, commonly known as a tax deed, duly executed and delivered to this defendant on or about the 24th day of July, 1876, by Herman Lieb, the then county clerk of Cook county, Illinois, which said deed was afterwards, on the 3rd day of August, A. D. 1876, duly recorded in the recorder's office of Cook county, Illinois, in Book 641 of Records, at page 451; and this defendant says that before the said deed last aforesaid was executed and delivered to him this defendant filed with the county clerk of Cook county affidavits which stated particularly the facts relied upon by him to entitle him to said tax deed, and which facts, as they are stated in said affidavits, showed a compliance with the law in such case made and provided; and this defendant says that said tax deed was based upon a tax sale of said property made by the county treasurer and *ex officio* collector of said Cook county under authority of a valid precept issued to said collector, which precept was in its nature and execution issued by the proper officer upon a valid judgment authorizing and directing the sale of the said property for delinquent taxes, and directing the said county collector to so sell said property as aforesaid.

All of which matters and things are matters of public
56 record of said county of Cook, and by reference to which said matters and things will more fully and at large appear, which said matters and things this defendant will maintain and prove as this honorable court shall upon a hearing hereof direct.

For a further answer to the said bill of complaint this defendant says that he has divers other good and sufficient tax deeds, all of which are duly recorded in the recorder's office of Cook county aforesaid and are matters of public record, each of which is based upon a valid judgment and precept, each of which said judgment and precept are matters of public record of said Cook county; and this defendant says that by reference to said public records all said matters and things aforesaid will more fully and at large appear,

and this defendant upon the trial hereof will maintain and prove each of said tax titles as this honorable court shall direct.

For a further answer to the said bill of complaint this defendant says that by virtue of the said tax deeds and the said titles evidenced by said tax deeds last aforesaid and not mentioned in said bill of complaint whatever right or title the said complainant or the said complainant's alleged grantor may have had in and to said lands and real estate was lost, extinguished, cut off, and destroyed, and that the said complainant cannot maintain his said bill of complaint in this behalf as against this defendant in relation to said
57 tax deeds, as mentioned and set out in said bill of complaint, so long as the tax deeds and the titles thereby evidenced and not mentioned and set out in said bill of complaint and hereinabove set *in* and referred to remain unquestioned and unattacked by the said bill of complaint; without this, that there is any other matter, cause, or thing in the said complainant's bill of complaint contained material or necessary for him to make answer unto and not herein and hereby well and sufficient- answered, confessed and -voided, traverse- and denied, is true to the knowledge and belief of this defendant; all of which matters and things this defendant is ready and willing to aver, maintain, and prove as this honorable court shall direct, and he humbly prays to be hence dismissed with his reasonable *cause* and charges in this behalf most wrongfully sustained.

ASAHEL GAGE,
By AUGUSTUS N. GAGE,
His Solicitor.

AUGUSTUS N. GAGE, *Of Counsel.*

Endorsed: Filed Aug. 27, 1884. Wm. H. Bradley, clerk.

58 Afterwards, to wit, on the first day of September, 1884, came the complainant, by his solicitor, and filed in said clerk's office his replication to the answer of Asahel Gage in said entitled cause; which said replication is in the words and figures following, to wit:

Replication.

In the Circuit Court of the United States, Northern District of Illinois. Sep. Term, A. D. 1884.

JOHN H. BANI, Complainant,
vs.
ASAHEL GAGE, Defendant. } In Chancery.

The replication of John H. Bani, complainant, to the answer of Asahel Gage, defendant.

This repliant, saving and reserving to himself now and at all times hereafter all and all manner of benefit and advantage of exception which may be had or taken to the manifold insufficiencies of the said answer of the said defendant, for replication thereunto says that

he will aver, maintain, and prove his bill of complaint to be true, certain, and sufficient in the law to be answered unto, and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant, without this, that any other matter or thing whatsoever in the said answer contained material or effectual in the law to be replied unto and not herein and
59 hereby well and sufficiently replied unto, confessed and avoided, traversed or denied, is true.

All which matters and things this repliant is ready to aver, maintain, and prove as this honorable court shall direct, and humbly prays as in and by his said bill he has already prayed.

LEVI SPRAGUE,
Solicitor for Complainant.

Endorsed: Filed this first day of Sept., A. D. 1884. Wm. H. Bradley, clerk.

Afterwards, to wit, on the sixth day of October, in the adjourned October term of said court, 1884, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

JOHN H. BANI
vs. } In Chancery.
ASAHEL GAGE.

Now come the parties, by their solicitors; and, on motion of the defendant's solicitor, it is ordered that this cause be referred to Henry W. Bishop, master in chancery, to take proof and report the same with his findings to the court.

60 Afterwards, to wit, on the twenty-third day of April, in the adjourned March term of said court, 1886, in the record of the proceedings thereof in said entitled cause, before Hon. Henry W. Blodgett, district judge, is the following entry, to wit:

Order.

JOHN H. BANI
vs. } In Chancery.
ASAHEL GAGE.

Now again comes the defendant, by Augustus N. Gage, his counsel, and moves the court for leave to withdraw the original deeds offered in evidence before the master and marked respectively Exhibits "3," "7," "8," and "9," "Gage," upon leaving copies thereof in their place.

It appearing to the court such copies are now supplied, such motion is allowed, and the defendant is hereby permitted to take such original deeds.

61 Afterwards, to wit, on the twenty-ninth day of April, 1886, came the complainant, by his solicitor, and filed in said clerk's office his exceptions to the master's report in said entitled cause; which said exceptions are in the words and figures following, to wit:

Exceptions to Master's Report.

In the Circuit Court of the United States, Northern District of Illinois.

JOHN H. BANI, Complainant,
vs.
ASAHEL GAGE, Defendant. } In Chancery.

And now comes the above-named John H. Bani, complainant, by Levi Sprague, his solicitor, and objects to the finding of the master upon the questions of law and fact in his general report filed herein and each and every part thereof as against the law and the evidence.

And for special cause of exception saith:

1st. For that the said master erroneously finds and reports as a matter of fact and law that the allegations in the bill of complaint are not sustained by the proofs.

2d. For that the said master erroneously finds that the said complainant is not the owner in fee simple and in the actual
62 possession of the premises described in his said bill of complaint.

3d. For that the said master erroneously finds that the said several tax deeds mentioned and described in complainant's said bill of complaint are not a cloud upon complainant's title to said premises.

4th. For that the said master erroneously finds that the judgment records, precept, and proceedings of the county court, upon which said several tax deeds were issued, are regular and valid.

5th. For that the said master erroneously finds that due notice was served by the purchaser of the said several tax sales upon the person in possession of the premises before the said several tax deeds were issued as provided by law.

6th. For that the said master erroneously finds that the said defendant, by virtue of his said several tax deeds, *as* the owner of the premises described in said bill of complaint.

Wherefore the said complainant doth except to the said master's said general report, and prays the judgment of the court upon the questions of law and fact contained in the record of said master's report.

LEVI SPRAGUE,
Compl't's Sol'r.

Endorsed: Filed Apr. 29, 1886. Wm. H. Bradley, clerk.

63 Afterwards, to wit, on the tenth day of March, in the adjourned March term of said court, 1887, in the record of the proceedings thereof in said entitled cause, before Hon. Walter Q. Gresham, circuit judge, is the following entry, to wit:

Order.

JOHN H. BANI
vs.
ASAHEL GAGE. } In Chancery.

Now come the parties, by their solicitors, and this cause, being set for hearing this day, now comes on to be heard upon the pleadings and proofs, and, after hearing the arguments of counsel in part, it is ordered that the further hearing hereof be postponed until to-morrow morning.

64 Afterwards, to wit, on the twenty-first day of March, in the adjourned March term of said court, 1887, in the record of the proceedings thereof in said entitled cause, before Hon. Walter Q. Gresham, circuit judge, is the following entry, to wit:

Decree.

JOHN H. BANI
vs.
ASAHEL GAGE. } In Chancery.

This cause came on to be heard at this term and was argued by counsel, and thereupon, upon consideration thereof, it was ordered, adjudged, and decreed as follows, viz: That the complainant, John H. Bani, is seized in fee simple of the title to lots twelve (12) and thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of the north half (½) of the southwest one-quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian, county of Cook and State of Illinois, and that the three several tax deeds held by the defendant, Asahel Gage, and each of them are a cloud upon complainant's title to said premises, viz: Tax deed issued June 30th, 1880, by E. F. C. Klokke, county clerk of Cook county, Illinois, to Asahel Gage, and recorded in the office of the recorder of deeds in and for the county of Cook and State of Illinois on the first day of July, A. D. 1880, in Record Book 1000, on page 303, as document No. 278,744.

65 Also tax deed issued on the third day of July, A. D. 1880, by E. F. C. Klokke, county clerk of Cook county, State of Illinois, to Asahel Gage, and recorded on the eighth day of July, A. D. 1880, in the office of the recorder of deeds in and for the county of Cook and State of Illinois in Record Book 1005, on page 376, as document No. 279,617.

Also tax deed issued on the sixth day of July, A. D. 1880, by E. F. C. Klokke, county clerk of Cook county, State of Illinois, to Asahel Gage, and recorded on the ninth day of July, A. D. 1880, in the office of the recorder of deeds in and for the county of Cook and State of Illinois in Record Book 967, on page 636, as document No. 279,652.

And the complainant having paid into court, under the order and decree of the court, one hundred and fifty dollars for the defendant on account of tax sales, costs and disbursements, taxes, and interest on the same heretofore paid out and expended by the said defendant at any time on account of said premises—

It is ordered, adjudged, and decreed by the court that the three several tax deeds above described and the several judgments entered in the county court of Cook county, Illinois, and the process, record, and proceedings upon which said several tax sales were made and the said three several tax deeds were issued, in so far as they relate to the premises above described or create a cloud upon complainant's title thereto, be, and the same are hereby, set aside and declared null and void.

66 And it is further ordered, adjudged, and decreed that the complainant have and recover of the said defendant one-half his costs of this suit, to be taxed.

And thereupon the said defendant, Asahel Gage, in open court prayed for an appeal to the Supreme Court of the United States to its October term, A. D. 1887; which said prayer is granted on condition that said Asahel Gage shall present a good and sufficient appeal bond in the penal sum of five hundred ($500.00) dollars within sixty days from this date, which bond shall be approved by the court.

It is further ordered and decreed that said Asahel Gage shall have sixty days from this date within which to prepare a certificate of evidence herein.

67 Afterwards, to wit, on the eighteenth day of May, 1887, there was filed in said clerk's office the certificate of evidence in said entitled cause; which said certificate of evidence is in the words and figures following, to wit:

Certificate of Evidence.

UNITED STATES, }
State of Illinois, } ss:

In the Circuit Court of the United States for the Northern District of Illinois.

JOHN H. BANI }
vs. } In Chancery.
ASAHEL GAGE. }

Be it remembered that on the hearing of this cause the complainant and also the defendant, to maintain the several issues of fact in

said cause upon their respective sides thereof, introduced the master's report; also the testimony taken before the master and attached to said report, and also the documentary evidence offered before the master and attached to his said report; which said master's report and testimony and documentary evidence thereto attached is in words and figures as follows, to wit:

68 *Master's Report.*

In the Circuit Court of the United States for the Northern District of Illinois.

JOHN H. BANI
vs.
ASAHEL GAGE. } No. —. In Chancery.

To the honorable the judges of said court:

I, Henry W. Bishop, master in chancery, to whom, by an order of court entered in the above-entitled cause on the sixth (6th) day of October, A. D. 1884, the same was referred for the purposes in said order expressed, hereby report that I have been attended from time to time by Mr. Levi Sprague, solicitor for the complainant, and by Mr. A. N. Gage, solicitor for the defendant, and by the witnesses whose testimony is herewith reported.

That there have been presented to me also for my examination the exhibits which are referred to in connection with the testimony, and I have heard the arguments of counsel and have examined the testimony & the pleadings.

69 Upon consideration of all of which I find and report, as a matter of fact and law, that the allegations in the bill of complaint herein are not sustained by the proofs, and I respectfully recommend that a decree be entered in favor of the defendant dismissing the bill of complaint for want of equity.

I return herewith all of the testimony and exhibits offered and used by me in the examination of this cause.

All of which is respectfully submitted.

HENRY W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

Dated Chicago, April 7th, A. D. 1886.

70 In the Circuit Court of the United States for the Northern District of Illinois.

JOHN H. BANI, Complainant,
vs.
ASAHEL GAGE, Defendant. } In Chancery.

Testimony Taken Before Henry W. Bishop, Master in Chancery of said Court, Wednesday, the 15th Day of October, A. D. 1884.

Present: Mr. Sprague, for complainant; Mr. Gage, for defendant.

JOHN H. BANI, a witness called on behalf of the complainant, being first duly sworn, was examined in chief by Mr. SPRAGUE, and deposes and says as follows:

Counsel for complainant offered in evidence the following:

1. Original deed from Peter Caldwell and Annie Caldwell, his wife, to John H. Bani, dated May 15, 1882, of lots 12 and 13, in block 2, Louis Heintz' Addition of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter of section 4, town. 38 north, range 14 east, of the 3rd principal meridian, Cook county, marked "Exhibit 1."

Mr. GAGE: I will state, as to all these documents which are to be introduced, and I understand there are a good many, in order to save time, I will reserve my objections, but I shall probably want to object to all of them.

2. Certified copy of the record of judgment and proceedings of the county court on tax sale, made August 8, 1877, and deed issued July 3, 1880, of the premises aforesaid, marked "Exhibit 2."

3. Certified copy of the judgment, record, and proceedings
71 in the county court on sale made August 16, 1877, deed issued June 30, 1880, marked "Exhibit 3."

4. Certified copy of judgment, record, and proceedings on tax sale made August 27, 1877, and deed issued July 6, 1880, marked "Exhibit 4."

5. Original warranty deed dated February 7, 1868, from —— Heintz and Joanna Heintz, his wife, to Peter Caldwell of lot 12 and other property, in block 2, Louis Heintz's Addition of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter section No. 4, town. 38 north, range 14 east, marked "Exhibit No. 5."

6. Warranty deed from Louis Heintz and wife to Peter Caldwell, dated April 27, 1868, of lot 13 and other property, in block 2, Louis Heintz's Addition of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter section No. 4, town. 38 north, range 14 east, marked "Exhibit No. 6."

7. Letter from Asahel Gage to Levi Sprague, dated March 27, 1883, marked "Exhibit 7."

8. Affidavit of John H. Bani, complainant, dated October 16, 1884, marked "Exhibit No. 8."

Objected to on the ground it is *ex parte* in its nature and the wit-

ness is now here and can be examined orally before the master as to the matters therein pretended to be contained, and counsel for defendant asks the master to note the fact that the witness is here in corroboration of this objection, which is accordingly done.

72 9. Abstract of title of lots 12 and 13, block 2, in Louis Heintz's Addition of 24 acres east of and adjoining the west 10 acres of the north half of the north half of the southwest quarter section 4, town. 38 north, range 14 east, in Cook county, commencing with receiver's receipt No. 2600, dated August 3, 1836, and the deed patent issued *to* the United States to Peter Bowles, dated October, 1839, and down to February 7, 1868, and April 27, 1868, consisting of two parts, marked "Exhibits 9 and 10" respectively.

Mr. GAGE: The master will note that in this connection, to save time as aforesaid, I reserve my exceptions to a future day, there being no objection.

JOHN H. BANI, the complainant, being duly sworn, was examined by Mr. SPRAGUE, and testified as follows:

Q. Please state your name, occupation, and place of residence.

A. John H. Bani; age, 34; occupation, sausage-case manufacturer; residence, stock yards, Chicago.

Q. Are you the complainant in this case?

A. Yes.

Q. State whether or not you are acquainted with lots 12 and 13, block 2, Louis Heintz's subdivision of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter of section 4, town. 38 north, range 14, Cook county, Illinois.

A. Yes.

Q. State who is in possession of these two lots.

A. I am.

Q. How long have you been in possession?

A. Since 1880.

Q. State under what circumstances you took possession.

A. I rented from Mr. Caldwell.

Q. Do you remember definitely the date that you took possession?

A. I could not tell just the date, but it was about the first of March or a little before.

Q. 1880?

A. Yes.

73 Q. State whether or not you have been in continuous possession since that to the present time.

A. Yes, sir.

Q. State how you occupy the premises and for what purpose they are used.

A. I have been making sausage cases there.

Q. Explain to the master how the premises are occupied.

A. I get my stuff from the packing-house and pack it and sell it.

Q. I want to know how the premises are occupied with reference to the factory and what there is on the lots.

A. I had a shanty there with an office when I first started. You mean how it is occupied now?

Q. Yes.

A. Now I have a sausage factory on it.

Q. State whether that covers the whole premises or not.

A. It covers the whole premises—that is, the rear end, with the factory—and on the front I have an office and building where we pack the cases.

Q. So that the entire lots are covered with your factory business?

A. Yes, sir.

Q. State whether or not you are the party named in the deed marked Exhibit I, from Peter Caldwell and wife to John H. Bani.

A. Yes.

Question and answer objected to as being in conflict with the purport of the deed and acknowledgment thereon.

Q. State whether or not you have held and kept possession of these premises since you received that deed.

Objected to as immaterial.

A. I think so.

Q. Since you got the deeds?

A. Yes.

Q. State whether or not the lots have been improved since you purchased them in any way?

Objected to as leading and immaterial.

A. Yes.

Q. What is the value of the lots and improvements thereon?

Objected to as immaterial and not at issue in this case.

74 A. $10,000.

Q. State whether or not you have paid taxes since you purchased of Caldwell on these lots.

Objected to because the tax receipts are the better evidence of what taxes have been paid, and it is a matter of record and cannot be proved by parole.

A. Yes; I paid the taxes as far as I could.

Q. State whether or not, at the time you purchased from Peter Caldwell, you had any knowledge that any person or persons claimed any interest, right, or title on those lots.

Objected to because it goes into the question of the record, of which the record is the best evidence.

A. I did not.

Q. When did you first learn, if at all, that Mr. Asahel Gage held certain tax deeds on these lots?

A. When I went to pay the taxes Mr. Gage had them paid.

Q. Fix the time. When was that?

A. The first year I bought from Caldwell; a few months after I had the lots bought.

Q. At the time you purchased from Caldwell state whether or not you knew those lots had been sold for taxes.

A. Never knew it.

Objected to as before.

Q. State whether or not you had at any time prior to the commencement of this suit, either by yourself or by your agent or solicitor, endeavored to compromise with the defendant, Asahel Gage, with reference to the tax title held by him.

Objected to because that is not the question. That question can by no possibility come into a court of equity. Whether there has been a compromise offered, either before or after the commencement of the suit, is immaterial, irrelevant, and incompetent.

75 A. I did.

Q. State whether or not you have since the commencement of this suit made a tender to the defendant or his solicitor of any sum of money; and, if so, how much.

Objected to as before.

A. I did offer him $91.14.

Q. Did you at that time tender a quitclaim deed and request that he have such deed executed by Asahel Gage?

A. Yes, sir.

Q. Is that the deed (handing witness paper)?

A. Yes, sir.

Counsel for complainant offered the deed in evidence, marked Exhibit H.

Objected to as incompetent and irrelevant, and because it is not acknowledged or delivered or signed is in no sense a document entitling it to record or as evidence.

Q. State whether or not since you were in possession of said premises a notice was served upon you by Asahel Gage, his agent or attorneys, stating in substance that he had a tax certificate, or that said premises had been bid off by him at tax sale.

Objected to as incompetent and irrelevant, there being no evidence for such proof laid by the allegations of the bill or the issue as proved.

A. No, sir.

Cross-examination by Mr. GAGE:

Q. Did you ever see Asahel Gage?

A. No, sir.

Q. You have here a couple of so-called abstracts of title. Did you have these abstracts of titles when you purchased this property?

A. No, sir.

Q. Did you have any abstracts of title when you purchased this property?

A. No, sir; I had title from Caldwell; had no abstracts.

JOHN H. BANI.

Sworn to before me—

H. W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

76 *Testimony of Peter Caldwell, Taken on Wednesday, the 15th Day of October.*

Present: Mr. Sprague and Mr. Gage.

PETER CALDWELL, a witness called on behalf of the complainant, being first duly sworn, was examined in chief by Mr. SPRAGE and deposes and says as follows:

Int. 1. Please state your name, age, residence, and occupation.

A. Peter Caldwell; residence, 711 West 43rd St.; occupation, tavern-keeper.

Q. Do you know the parties to this suit?

—. I know the complainant. I don't know as I ever saw Mr. Gage.

Q. Are you acquainted with the property described in the complainant's bill as lots 12 and 13, in block 2, Louis Heintze's sub-division of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter section 4, 38, 14?

A. Yes, sir.

Q. Did you ever own that property?

Objected to as immaterial and because it is a matter of record and cannot be proved by parole.

A. Yes.

Q. Are these your title deeds (showing witness Exhibits 5 and 6)?

A. Yes; these are my original deeds.

Q. State whether you ever took possession of the premises under those deeds.

Objected to.

A. Yes, sir.

Q. For what length of time did you have possession or up to what time did you continue in possession of such premises?

Objected to as irrelevant, immaterial, and incompetent, there being no foundation laid by the pleadings for the testimony.

A. I took possession after getting my deeds and held possession until the time I leased to Mr. Bani. I leased him the premises for five years, I think. It was in March, 1880, and then about a year ago I sold him the premises.

Q. You sold at the date of your deed to him marked Exhibit I?

A. Yes; that is the date—May, 1882. He had a lease pre-

77 vious to this.

Q. State whether you took possession as owner or otherwise and when you first took possession.

Same objection.

A. I took possession as owner.
Q. And claimed title under your deeds?

Objected to.

A. Yes, sir.
Q. State whether you paid all taxes or any part of them.

Objected to as being a matter of record, and oral testimony cannot be received for the purpose of showing such facts.

A. I paid all taxes, as far as I know, that were due on the property. I would like to put in something there: There was one tax assessed against that property for paving Wentworth Ave., which is nearly half a mile distant. I thought that was wrong, and I didn't pay that.

Q. Any other taxes that you did not pay, that you knew of, during the time you owned the premises?

A. Not that I recollect of. I went down to pay the taxes as soon as the collector got his books, but I saw they were paid ahead of me by Mr. Gage on lots 11, 12, 13, and 14.

Q. Have you the tax receipts or any number of them?
A. Yes; I have some of them.
Q. Can you produce them?
A. Yes.

Witness produces tax receipts.

Counsel for complainant then offered in evidence the following tax receipts:

Tax receipt dated July 21, 1874, to Peter Caldwell, of lots 11 & 12 of the property in question, with other property, marked Exhibit 12.

Tax receipt dated February 4, 1876, to Peter Caldwell, of lots 11 and 12, with other property, marked Exhibit 13.

Tax receipt dated February 10, 1882, of lots 12 and 13, marked Exhibit 14.

78 Tax receipt dated March 2, 1882, of lots 12 and 13, marked Exhibit 15.

Tax receipt dated January 16, 1880, of the same property, marked Exhibit 16.

Tax receipt dated August 3, 1881, of the same property, marked Exhibit 17.

Tax receipt dated April 30, 1881, of the same property, marked Exhibit 18.

Tax receipt dated June 18, 1879, of the same property, marked Exhibit 19.

Tax receipt dated March 26, 1880, of lots 11 to 14, inclusive, marked Exhibit 20.

Tax receipt dated April 30, 1881, of lots 12 and 13, with other property, marked Exhibit 21.

Tax receipt dated April 30, 1881, of lots 12 and 13, with other property, marked Exhibit 22.

Tax receipt dated March 26, 1880, of lots 12 & 13 and other property, marked Exhibit 23.

Tax receipt dated July 20, 1875, of lots 11 to 14, inclusive, with other property, marked Exhibit 24.

Tax receipt dated June 30, 1876, of lots 12 and 13 and other property, marked Exhibit 25.

Tax receipt dated June 18, 1879, of lots 11 to 14, inclusive, marked Exhibit 26.

Tax receipt dated August 4, 1879, of lots 11 to 14, inclusive, marked Exhibit 27.

Q. State whether or not you have other tax receipts for this same property.

A. Yes; I think I have.

Q. State whether or not you had any knowledge that these two lots described as 12 and 13, in block 2, Louis Heintze's subdivision above referred to, had been sold for taxes at any time while you owned it.

Objected to as assuming title in the complainant or his
79 guarantor; second, as being leading; 3rd, as being incompetent, irrelevant, and no foundation laid for it in the pleadings in this case.

A. No, sir; excepting this Wentworth avenue assessment, which was half a mile away from the property.

Q. Did you receive any notice at any time of such tax sale or sales of these two lots?

Same objection.

A. Not to my knowledge.

Q. Did you appear in person or by attorney in the county court in either of the proceedings to obtain judgment under those sales at any time after you obtained your deed and prior to selling them to Mr. Bani?

Objected to as being vague and misleading and as incompetent and irrelevant, as the record of the court will show whether counsel appeared or the party appearing in person.

A. No, sir; never did.

Q. Did you ever authorize any one to appear for you in those suits or proceedings?

Same objection.

A. No, sir.

Q. State whether or not the town clerk of the town of Lake called upon you for the taxes due on these lots for the year 1876.

Objected to as incompetent, irrelevant, and no foundation laid for such proof by the allegations of the bill or the issues of the case.

A. No, sir; never did. The collector of our town was round to collect the personal-property tax on real estate.

Q. Will you produce such other tax receipts as you have on this property from the time above referred to?

80 A. Yes; I will look them up and see what I have got. I didn't have but a few minutes this morning to look them up.

Cross-examination by Mr. GAGE:

Q. What did you say your business was?

A. Tavern-keeper.

Q. Are you now or have you ever been—if so, please state when—an officer in the town of Lake?

A. Yes, sir.

Q. What office did you hold and when?

A. I guess I was the first policeman of the town of Lake after it was chartered. I think that was in 1867 or 1868.

Q. Any other officer?

A. Yes; I was collector in 1875, I think?

Q. Collector of the taxes?

A. Yes, sir.

Q. Were you collector of the taxes for more than one year?

A. That is all.

Q. State whether you have held any other office in the town of Lake.

A. I was school trustee a year. I think that was in 1868.

Q. Some of these tax receipts that have been offered in evidence have other property described in them?

A. Yes.

Q. You were in the habit, I presume, of paying taxes on other property besides the property in controversy?

A. Yes.

Q. You said there was no notice of any tax sale served on you, so far as you know?

A. No, sir.

Q. Will you state there was no notice of tax sale served on you?

A. Not of these two particular lots.

Q. There was absolutely no notice served on you?

A. No, sir; not to my knowledge.

Q. We wish to know if you are sufficiently advised to swear no notice was served on you.

A. Not to my knowledge on these particular lots.

Q. I desire to ask you if you are sufficiently advised to
81 state that, as a matter of fact, no notice was served on you?

Objected to.

A. Not on these two particular lots.

Q. Then upon the lots in controversy, as I understand you, you now swear that there was no notice of the tax sale or of either of the tax sales served upon you?

A. No, sir; not to my knowledge; nothing on those two particular lots.

Q. I shall have to go back to the question and ask you whether you are sufficiently advised to state positively whether or not any notice was served upon you.

A. No, sir; not on these two particular lots. There was no other property.

Q. Then I will ask you again if you desire to state that there was absolutely no notice of the tax sale or either of the tax sales served upon you in relation to the property in question.

A. Not to my knowledge.

Q. Was there or was there not a notice of tax sale served upon you?

A. Not to my knowledge.

Q. Is that knowledge sufficiently definite for you to answer definitely there was or was not a notice served on you?

A. I think it is.

Q. Will you state from your knowledge any notice was served upon you of this tax sale?

A. No, sir; not on these two particular lots.

Q. Then I want to ask whether or not there was any notice of tax sales served upon you of the lots here in question—you have already said you are acquainted with the lots in question—of either of the sales made upon those two lots.

A. No, sir; not to my knowledge. I have answered that four times.

Q. There have been certain documents offered in evidence in this case that have copies of affidavits attached to them, in which
82 the affiants purport to swear they did serve upon you a notice of tax sale. I will ask you whether those affidavits are true or false.

Counsel for complainant objects and insists that the counsel shall first produce the original notices and show them to the witness.

A. There may have been a notice left at my house in my absence, but those two particular lots—I never recollect notices served on them. There was a notice served on lots 1 to 4, in block 3, but nothing touching that property.

Counsel for complainant objects to so much of the answer as relates to other lots than the property in question and asks that it be stricken out.

Mr. SPRAGUE: Will you bring such other tax receipts as are in your possession and present them before the master?

A. Yes; I will look them up. I didn't have but little time this morning. I was away last week, and I looked them up hurriedly.

PETER CALDWELL.

Adjourned to 9 o'clock a. m., Oct. 21.

Subscribed and sworn to before me—

H. W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

83 *Testimony Taken Before Henry W. Bishop, Master in Chancery of said Court, Tuesday, the 21st day of October, A. D. 1884.*

Present: Mr. Sprague, for complainant; Mr. Gage, for defendant.

PETER CALDWELL, a witness recalled on behalf of the complainant, being first duly sworn, was examined in chief by Mr. SPRAGUE, and deposes and says as follows:

Q. State whether you have found other tax receipts on the property in question since the last continuance.
A. Yes, sir.
Q. Will you produce them?
A. These are the receipts.

Counsel for the complainant offered in evidence the following tax receipts:

Tax receipt dated Aug. 20, 1872, of lots 12 and 13, in block 2, of the property in question, marked Complainant's Exhibit No. 29.

Tax receipt dated July 24, 1874, for the second installment of South Park taxes, same property, marked Complainant's "Exhibit No. 30."

Tax receipt dated Jan'y 31, 1871, of the same property, marked "Complainant's Exhibit 31."

Tax receipt dated August 18, 1869, of the same property, marked "Complainant's Exhibit No. 32."

Tax receipt dated July 20, 1875, of the same property for the third installment of South Park taxes, marked "Complainant's Exhibit No. 33."

Tax receipt dated July 20, 1875, for the same property, first installment South Park special assessment No. 36, marked "Complainant's Exhibit No. 34."

Tax receipt (duplicate) dated Sept. 16, 1868, for the taxes of 1867 of the same property, marked "Complainant's Exhibit No. 35."

Objected to as being a duplicate.

Q. What became of the original, of which this last receipt,
84 marked "Exhibit 35," was made in duplicate?
A. I could not find it, and went to the clerk and got a duplicate for the tax I paid. I had lost the receipt somewhere.
Q. Did you make search for it?
A. I did.
Q. Were you unable to find it?
A. I was unable to find it at that time.
Q. Have you looked for it since?
A. Yes, sir.
Q. Ever been able to find it?
A. Not to my knowledge.
Q. State whether it is your belief it is lost or destroyed and cannot be found.
A. I don't know what became of it; I could not tell you.

Mr. GAGE: I object to all that character of testimony as being incompetent and irrelevant, as the statute has provided other means for showing the payment of taxes, and it cannot be shown by parole.

Counsel for complainant offered in evidence tax receipt dated September, 1868, for general taxes of 1867 of the same property, marked "Complainant's Exhibit 36."

Q. Please examine Exhibit No. 36 and state whether or not that is the original of which Exhibit 35 is a duplicate.

A. It looks like it. I cannot say how I came to get that duplicate. It is just as I got it.

Counsel for complainant offered in evidence the following:

Tax receipt dated July 13, 1870, for State, county, town, school, road, park, and special taxes for the year 1869 on the property in question, marked "Complainant's Exhibit 37."

Tax receipt dated July 21, 1874, for State, county, town, school, road, and park taxes on the property in question for the year 1873, marked "Complainant's Exhibit No. 38."

Tax receipt dated Aug. 20, 1872, for State, county, town,
85 school, and park taxes on the same property for the year 1871, marked "Complainant's Exhibit 39."

Counsel for defendant objects to the tax receipts offered in evidence as being incompetent and irrelevant, no foundation for the introduction of such evidence being laid by the allegations of the bill or the issues as framed.

Q. Are you able to state whether you paid all of the taxes on the premises in question as set forth in the receipts here offered in evidence as exhibited by you?

Objected to for the reasons already stated, and, further, because the mode of proving the payment of all taxes is prescribed by the statutes of Illinois and this is not in accordance with the mode there prescribed.

A. Yes, sir; I paid every cent shown by the receipts.

Q. Have you any other tax receipts for this property during the time mentioned in your testimony, from February, 1868, to the date of your deed to Bani?

Objected to.

A. I may have, but could not find them up to the present time.

Q. State whether or not you have paid all taxes, so far as you know of any taxes being assessed on the property in question during all the time you owned the property.

Objected to as incompetent and irrelevant, not the proper way of proving it, and as leading.

A. Yes, sir.

Q. Are you able to fix the time more definitely when Bani first took possession of the premises in question as your tenant?

A. It was in the spring of 1879 I made a lease. I think in March, 1880, he was in possession previous to the lease; he leased for five years from March, 1880.

86 Q. Do you know whether he continued such possessio from that time to the present?

A. Yes, sir.

Q. Did he occupy the premises?

Objected to as incompetent and irrelevant.

Q. He has the whole grounds covered by buildings, and has houses, smoke-houses, and office and factory.

Q. Used as what?

A. Used as a casing factory for sausages, tripe, &c.

Q. Carry on an extensive business there?

A. Yes, sir; he has got about 200 men working for him, I am informed.

Q. A large number of teams and wagons?

Objected to as leading.

A. Yes, sir; three or four wagons—double teams and single wagons.

Cross-examination by Mr. GAGE:

Q. How much search did you make for the original tax receipts for the taxes of 1867?

A. I have not looked at them since I got them except about an hour previous to my coming down the other day, and this morning I looked at them; my daughter and I looked this morning and found those.

PETER CALDWELL.

Subscribed and sworn to before me—

H. W. BISHOP,
Master in Chancery, &c.

87 TUESDAY, *the 21st Day of October, A. D.* 1884.

Present: Mr. Sprague and Mr. Gage.

JOHN H. BANI, a witness, being recalled on behalf of the complainant, was examined in chief by Mr. SPRAGUE, and testified as follows:

Q. State whether or not you paid any or all the taxes due on this property since you purchased it.

Objected to as being incompetent and irrelevant and not the proper mode of proving the payment of taxes.

A. Yes, sir; I paid all I could pay.

Q. State what you have paid.

A. I paid last year's taxes. I guess it was in April I paid the taxes for the year, and the year before that I wanted to pay it, but it was paid already. That is the way I found out. I paid all I could pay.

Cross-examination by Mr. GAGE:

Q. What taxes have you paid?
A. I paid all the taxes there was due on them.
Q. Did you pay the taxes for 1880?
A. No, sir.
Q. Did you pay the taxes for 1881?
A. No, sir.
Q. Did you pay the taxes for 1882?
A. I was trying to pay it and it was paid.
Mr. SPRAGUE: What taxes did you pay, if you know?

Objected to as before.

A. I paid the taxes for 1883.

JOHN H. BANI.

Adjourned to 9.30 a. m., Oct. 29th.

88 WEDNESDAY, *the 29th Day of October, A. D.* 1884.

JOHN H. BANI, being recalled, was examined by Mr. SPRAGUE, and testified as follows:

Q. State whether since the last continuance of this cause you have been able to find the receipt referred to in your testimony.
A. Yes, sir; I have found the receipt.
Q. Is this the one?
A. This is the one.

Counsel for the complainant offered in evidence tax receipt dated December 19th, 1883, to John H. Bani for the taxes of 1883 on lots 12 & 13, block 2, Heintz's Addition, marked Ex. No. 40.
Objected to as incompetent and irrelevant.

Q. Did you pay that tax?
A. Yes, sir.
Mr. GAGE: How much money was reserved out of the purchase-money paid to Caldwell for the payment of these taxes?
A. Not any.

JOHN H. BANI.

Subscribed and sworn to before me—

HENRY W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

89 Counsel offered in evidence original letter from Levi Sprague to Asahel Gage, March 24, 1883, of which the following is admitted to be a correct copy:

Objected to as incompetent and irrelevant.

"CHICAGO, *March* 24, '83.

Mr. Asahel Gage, Vineland, New Jersey.

D'R SIR: I called to see your agent here some days ago in regard to lots 12 and 13, in B. 2, in Louis Heintze's subdivision of 24 acres east and adjoining the west 10 acres of the N. ½ of the N. ½ of the

S. W. ¼, sec. 4, T. 38 N., R. 14 E., of 3rd P. M., Cook Co., Ill., upon which you hold four several tax deeds, property formerly owned by Peter Caldwell, sold by him May 15th, '82, to John H. Bani, whom I now represent as att'y, & find on examination of abstract to his title, the tax deeds referred to, &c., and I rec'd notice from your ag't this a. m. that you desired to hear direct from me. Now, our situation is this: Mr. Bani purchased in good faith and paid his money but without having title examined, Caldwell & wife giving warranty deed, and the question is simply how we can get out the cheapest — best. If you will be reasonable and make quitclaim I shall advise them to pay you; otherwise I must find some other way out of it for him. Please let me hear from you, giving your best terms, and greatly oblige,

Resp.,

LEVI SPRAGUE,
84 *La Salle St., R.* 41 *and* 42."

TUESDAY, *the* 18*th Day of November, A. D.* 1884.

Present: Mr. Sprague and Mr. Gage.

The defendant, Asahel Gage, offers in evidence a copy of a plat of Louis Heintz's subdivision, the same being marked Exhibit A G. Complainant defers his exceptions until a future day.

Adjourned to Saturday, November 22nd, at 10 a. m.

90 SATURDAY, *the* 22*nd Day of November, A. D.* 1884.

Present: Mr. Sprague, for comp't, and Mr. Gage, for def't.

EDWARD CLEARY, a witness on behalf of the defendant, being first duly sworn, was examined in chief by Mr. GAGE and deposes and says as follows:

Int. 1. Please state your name, age, residence, and occupation.

—. Edward Cleary; in the county clerk's office.

Q. Are you employed in the county clerk's office of Cook county?

A. Yes.

Q. I will ask you, Mr. Cleary, whether these are a part of the records of the county clerk's office which I hand you.

A. They are.

Counsel for the complainant objects to the testimony of this witness as incompetent, which examination is accordingly discontinued.

Counsel for defendant, in behalf of defendant, Asahel Gage, offers in evidence a certified copy of the precept and record of sale for the fifth installment of the South Park special assessment, so far as the same relates to the property in question, showing a sale of the property in question on August 16, 1877, to Asahel Gage, and showing also that a deed was issued upon that sale to Asahel Gage by E. F. C. Klokke, county clerk, on June 30th, A. D. 1880, being No. K 1187, and asks to have the same marked "Exhibit No. 2 Gage."

Counsel for complainant here saves the right to make his objections at the close of defendant's proofs to all the exhibits now offered in evidence.

Counsel for defendant offers in evidence an instrument purporting to be a tax deed executed on the 30th day of June, 1880, by E. F. C. Klokke, county clerk of Cook county, to Asahel Gage, conveying lots 12 and 13, in block 2, in Louis Heintze's subdivision, &c., being the propepty in question, which deed is endorsed upon the back as No. K 1187, and is recorded in the recorder's office
91 of Cook county, Illinois, on July 1, 1880, in Book 1000 of Records, at page 303, as appears by the recorder's certificate thereto attached, and asks to have the same marked "Exhibit No. 3 Gage," and, as it retains description of other property, asks to retain it in his possession.

Objected to as immaterial for the reason that it is stated and claimed in the complainant's bill and admitted in the answer.

Counsel for defendant offers in evidence on behalf defendant, Asahel Gage, a certified copy of the judgment records for the general taxes of 1872, together with the final order of judgment and sale entered by the county court on July 29, 1873, so far as it relates to the property in question, and asks to have the same marked "Exhibit 4 Gage."

Counsel for complainant reserves his objections to the close of defendant's evidence.

Counsel for defendant offers in evidence on behalf of defendant, Asahel Gage, a certified copy of the precept and record of sale for the general taxes of 1872, in so far as the same relates to the property described in said copy, being the property in controversy, and asks to have the same marked "Exhibit 5 Gage."

Objected to as not in issue to the pleadings in this case and as incompetent and immaterial, the *res adjudicata* having been determined by the court on a previous order in this cause.

Counsel for defendant further states that Exhibit No. 5 recites that lots 11 and 12, the property in controversy, was sold to Henry H. Gage on August 29, 1873, for said taxes, and that upon said sale a deed was issued to Asahel Gage by Hermann Lieb, county clerk of Cook county, July 24, 1876, No. 767.

Counsel for defendant offers in evidence on behalf of defendant Gage a certified copy of the affidavits and notices and the cer-
92 tificate of sale on which tax deed No. 767, dated July 24, 1876, was issued to Asahel Gage by the county clerk of Cook county, so far as the same relates to the property described in said copy, being the property in controversy, and asks to have the same marked "Exhibit 6 Gage."

Same objection as before, the same having been adjudicated in a former order of this court.

Adjourned until Saturday, Nov. 29th, 11 a. m.

93 SATURDAY, *the 29th Day of Nov., A. D.* 1884.

Present: Mr. Sprague and Mr. Gage.

ARCHIBALD S. CAMERON, a witness on behalf of the defendant, being first duly sworn, was examined in chief by Mr. GAGE and deposes and says as follows:

Solicitor for complainant now interposes his objections to the exhibits offered by defendant, namely, Exhibit "A. G.," objected to as incompetent and immaterial; Exhibit 2 G., objected to as incompetent; Exhibit "3 G.," objected to as immaterial, having been set out in the bill and admitted in the answer; Exhibits "4, 5, and 6 Gage," objected to *res adjudicata*, the title under said tax deed having been disposed of by plea held insufficient on a former order of this honorable court and void under the statute of limitatation, and for the further reason that it does not appear that notice of judgment was given according to law; therefore said records are incompetent, irrelevant, and immaterial.

Q. State your name and occupation.

A. Archibald S. Cameron; deputy county clerk.

Q. I will ask you what that document which you hold in your hand is.

A. It is the papers on which deed No. K-1187 was issued by the county clerk—the papers filed in the office.

Q. Is that the deed to which you refer (handing witness document No. "3 G.")?

A. It appears to be the corresponding numbers.

Q. In that document there is described, among other property, lots 12 and 13, block 2, Louis Heintze's subdivision. Will you see if the original application for a deed is there?

A. The certificates of sale for lots 12 and 13 are here, and also the evidence filed with them on which the deeds were issued.

94 Q. Are those original papers which now appear on the files in the county clerk's office?

A. They are.

Q. I will ask you whether there is a tax-sale notice signed Asahel Gage attached to that document.

A. There appears to be two.

Q. I will ask you if those are numbered; and, if so, what numbers are there to designate one from the other.

Objected to, because the documents show for themselves.

Mr. GAGE: I will state that I cannot leave the documents. I merely desire to present them to the master.

A. The first notice was marked on the top "Exhibit A" and the next is marked "Exhibit B."

Mr. GAGE: I next offer in evidence an instrument purporting to be a tax deed executed by E. F. C. Klokke, county clerk of Cook county, Illinois, on July 3rd, 1880, conveying to Asahel Gage the property in question, acknowledged July 3d, 1880, and recorded July

8, 1880, and recorded in Book 1005, at page 376, and numbered K 1191, and ask to have the same marked "Exhibit 7 Gage."

Objection reserved.

Q. I will ask you what that document which you now have before you is.

A. The papers that were filed in the county clerk's office on which deed No. K 1191 was issued.

Q. I will ask you whether this document marked "Exhibit 7 Gage" is the deed to which that refers.

A. It seems to be.

Q. In that deed there is described lots 12 and 13, in block 2, in Louis Heintze's subdivision?

A. There are two certificates of sales, with the affidavits, on lots 12 and 13, in block 2, Louis Heintze's subdivision.

Q. Are those the original papers on which the tax deed
95 was issued and now remaining on file in the county clerk's office?

A. They are.

Q. I will ask you whether there is a notice of tax sale signed by Asahel Gage attached.

A. There are two.

Q. I will ask you whether or not those are designated in any way so as to distinguish one from the other; and, if so, how.

A. The first one is marked Exhibit A. The next one seems to be Exhibit B.

Objected to for the reason the documents show for themselves.

Q. I will ask you what that book is you have before you.

A. It is a sale record for various special assessments sold in the year 1877.

Q. Upon page 40 of that book what appears?

Question objected to as incompetent.

A. The heading is, Process and record of sale on third installment of special assessments levied and assessed by authority of the town of Lake.

Q. Is that book a part of the record of files of the county clerk's office?

A. It is.

Q. Will you please look upon that book and see if Louis Heintze's subdivision is described therein and if lots 12 and 13 of that subdivision as described therein appears on that page?

A. On that particular page it is simply Louis Heintze's subdivision. Continued to the right is lot 17, block 2, lots 12 and 13.

Q. Does it appear there from that record that lots 12 and 13 in block 2 of Louis Heintze's subdivision are included in the record?

Objected to as incompetent and the record shows for itself.

Mr. GAGE: I will state in explanation of the question that the record is a Cook county court record.

Mr. SPRAGUE: I will state, in answer to that, certified copies may be obtained in all cases.

A. I have stated before that lots 12 and 13, in block 2, are here.

96 Cross-examination by Mr. SPRAGUE:

Q. How will you show me the lots that you referred to here?

Mr. CAMERON (referring to book): Do you know this to be an original entry?

A. Yes; an original heading, "Process and record of sale," &c.

Q. In whose handwriting is it?

A. I could not say whose it was?

Q. Can you tell when it was written?

A. Any particular date?

Q. Yes.

—. No, sir; I could not say when it was made up.

Q. Where was this record made?

A. Made in the county clerk's office.

Q. There are numerous clerks in that office?

A. Yes.

Q. You don't recognize the handwriting, so you cannot tell whose it is?

A. No, sir; I could not say whose it was.

Q. Have there been any changes or alterations in this record?

A. Not that I am aware of.

Q. Can you swear there has not?

A. I could swear to my knowledge there has not been. I would not swear there has not been any, because I don't know.

Q. That is all you referred to in this book?

A. Yes.

Mr. GAGE: Does there appear to have been any changes on that page?

Objected to, because anybody else can tell.

Q. In relation to these lots spoken of?

A. There does not appear to have been.

Question objected to as incompetent and because the record shows for itself.

Mr. SPRAGUE: How about the top of the page—the word "block?" Does there appear to have been any change there?

A. The heading of the book here reads in this way——

Q. I will ask you if there appears to have been a change made there at any time.

97 A. No, sir: I don't think there has.

Q. Do you undertake to say that that heading has not been changed right there?

A. I was going to explain that. The original heading is printed in this way: "Lot"—the word "block" has been stricken out and the word "lot" written in, and the word "lot" stricken out and the word "block" written in its place.

Q. Do you know when that was done?
A. Done at the time the record was made up, I presume.
Q. Not what you presume. Have you any personal knowledge yourself?
A. Oh, I can't swear that that——
Q. Has it not been done recently to your knowledge?
A. No, sir; it has not.
Mr. GAGE: Will you state how the word appears in that book and the probable reasons for the interlineation?

Objected to as incompetent.

A. Well, the usual headings of the book are "lot, sub-lot, lot, and block." That heading would not fit this exact description; consequently it reads "sub-lot or lot." The large lots, they come last.
Q. The original heading is in print?
A. Yes.
Q. And the correction in writing?
A. Yes.

Counsel's explanation to the witness is objected to, as the record shows for itself.

Q. You referred to two certificates of sale. Were these two certificates issued on the same one sale or two different sales?
A. What certificates do you mean?
Q. The ones you have just testified about. You have referred to two certificates of sale or two notices of sale marked Exhibits A and B?

A. Under deed K 1191 there are two certificates, one on lot
98 12, in block 2, and the other on lot 13, in block 2; both appear to be sold for the 3rd installment of special assessment 36, town of Lake.

Q. Are there any other or different certificates attached to the record of that particular sale?
Mr. GAGE: Upon those two lots?
A. For other lots.

Mr. SPRAGUE:

Q. Of that particular sale, referring now to the sale you have been talking about?

Objected to.

A. There is a sale on lot 11, in block 2.
Q. I have not asked you that.

Objected to.

A. I don't find — by looking through it.
Q. What is the date of that sale?
A. This sale was the 8th of August, 1877.
Q. You also referred to two notices of sale, marked Exhibits A and B. Were there any other or different notices of that particular sale?

A. Is that in regard to deed 1191?

Q. 1191 you are testifying about now all the way through here.

A. Just before certificates 11, 12, 13, and 14 I find notices of tax sales. That is all I find here.

Mr. GAGE: The publication notice would not be there, would it?

A. It don't appear to be.

Mr. SPRAGUE:

Q. Is that the only record that has been made up for that purpose in that office of these particular sales?

A. Yes; the only record.

Q. The only original record kept by that court?

A. Yes; the only record, so far as these lots are concerned, for special assessment No. 36 of the town of Lake and assessed under deed K 1191?

Q. It is the entire record or whatever record has been kept in that office?

99 A. I don't know of any other.

Q. Suppose that a certified copy of the record of this particular sale was ordered in that office, from what would that certified copy be made up?

Objected to as not being cross-examination or pertinent to anything drawn out in the original examination and as incompetent and irrelevant.

A. So far as those lots are concerned it would be taken from what I have before me.

ARCHIBALD S. CAMERON.

Subscribed and sworn to before me—

HENRY W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

100 SATURDAY, *the 29th Day of Nov., A. D.* 1884.

Present: Mr. Sprague and Mr. Gage.

MARTIN VAN ALLEN, a witness on behalf of the defendant, being first duly sworn, was examined in chief by Mr. GAGE, and deposes and says as follows:

Int. 1. Please state your name, age, residence, and occupation.

A. Martin Van Allen; occupation, real estate, civil engineer, and surveyor.

Q. Mr. Van Allen, I wish to read you this description, "Record of a list of lands, lots, and blocks in the towns of South Chicago, Hyde Park, and Lake, in Cook county, State of Illinois, assessor's division of the S. W. ¼ section 4, town. 38, range 14, Louis Heintze's subdivision of 24 acres east and adjoining the west ten acres of the N. ½ W. ½ S. W. ¼, being part of lot 17, section 4, town. 38, range 14, lots 12 and 13, block 2, p't of lot 17," and ask you if that could be located, the correct description being stated by the bill from which

I have just read to be Louis Heintze's subdivision in the N. ½ of the N. ½ of S. W. ¼ of said section.

Objected to as incompetent, for the reason that the description was not read by witness, but by counsel, and I will hand you in that connection a plat heretofore offered in evidence, marked "Exhibit A, G."

A. (Reading:) "Record of a list of lands, lots, and blocks in the towns of South Chicago, Hyde Park, and Lake, Cook county, State of Illinois, assessor's division of S. W. ¼ sec. 4, town. 38, range 14, Louis Heintze's subdivision of 24 acres east and adjoining the west ten acres of the N ½ W. ½ S. W. ¼, being part of lot 17, section 4, town. 38, range 14, lots 12 and 13, block 2, p't of lot 17." Lot 17 appears very clearly (N. ½ of S. W. ¼) if this was drawn to an exact scale. The description "the W. ½ of S. W. ¼" just misses coming on these lots, but the description is so close that there would
101 be no trouble in locating those lots. The description is so nearly accurate, and so slight an error would throw it out, that there would be no trouble as a surveyor in locating that lot as being on 43rd street, about 125 feet west of an unknown street and about 1,368 feet—1,320 feet being ¼ mile—1,368 feet east of the central line of Halsted street. There would be no trouble in locating these lots on 43rd St. about 1,360 feet east of Halsted.

Counsel for complainant here interposes an objection to the explanation made by witness as no part of the interrogatories.

A. To make it short, certainly there is no trouble in locating that. There would be no difficulty in locating it, a slight technical error only.

Q. I will ask you, Mr. Van Allen, if——

A. Allow me to say further that block 2, a portion of it, falls within the description given there, and it seems to be the only block 2 if this is Louis Heintze's subdivision that comes in that part of section 4, and there would be no trouble whatever in locating it there from that description.

Q. Is there any other block 2 in lot 17?

A. No other block 2 in lot 17.

Mr. SPRAGUE: As shown on that plat?

A. As shown on that plat.

Mr. GAGE: I will ask Mr. Van Allen if, taking the same description of that already read to you, with the exception that the location is described as W. ½ of N. ½ of W. ¼, there would be any difficulty in locating the property.

Objected to as incompetent and immaterial.

A. The north ½ instead of west ½. There would be no trouble whatever. There is no trouble about it now. There is a little
102 technical difference. A surveyor or clerk in writing it might make a mistake and place it in a part of the tract that does not appear to have been inclosed in Louis Heintze's subdivision.

Q. I will ask you, Mr. Van Allen, when you are given a descrip-

tion of land by two descriptions, one of which will locate the property and the other of which will not locate it, as a surveyor would you have any difficulty in finding the lot?

A. No, sir. It is of very frequent occurrence in making surveys to find some slight technical variation from the true description from which to locate the land. You have to go ahead and locate it to the best of your ability, and if you find an easy way out of it it is so much the better. Where the description is given you as being in lot 17 of assessor's division——

Objected to.

of the S. W. ¼ of a certain section and the other description given to you as forming a part of the whole description without defining the assessor's division, and the two divisions being given as a description of the property, there would be no difficulty in locating the property.

(Objected to as incompetent.)

Assuming that one of the descriptions, to wit, the one in relation to lot 17, the assessor's division was the correct description that would govern, and lot 17 would be the first thing I should look for, and the next subdivision coming on top of that would place it in such a light that I should cast away entirely the other description as superfluous.

Q. You have had some considerable experience as a surveyor?

A. Yes.

Cross-examination by Mr. SPRAGUE:

Q. Do you mean to be understood that there is no difference in the description north ½ west ½ and north ½ north ½?

103

A. No; I don't mean to be understood as saying that. I do mean to be understood as saying that if a piece of property falls in the W. ½ of the N. ½ or the N. ½ of W. ½ it would make no difference how the letters were placed in regard to that. If it falls within that description it makes no difference which part you put first.

Q. I understood you to say in this particular description it seemed to miss or fall just without.

A. In this particular case there might be a part off there of the two tracts which would not make the corresponding description in this case. A part of block 2 falls within a part of the first printed description which I read there, but block 2, in Heintze's subdivision, being in block 17, the assessor's division, places it beyond any earthly question.

Q. But you must assume outside of the description given you that the N. ½ of N. ½ is intended instead of N. ½ of W. ½, must you not?

A. Oh, no; that does not follow at all. Descriptions will frequently come in where they are located six miles away from the true location.

Q. But he must assume that he knows that particular place indicated?

A. But not in Heintze's subdivision. It might come there as section 4, in the town of Lake. If there were any such subdivision in the town of Calumet and town of Worth he might assume that this subdivision would be in the town of Lake, and when he finds it he has the description before him, and the description of the subdivision is presumably more carefully made up, as it is made by men of experience, than one made by a clerk in copying the list.

Q. In the county clerk's office?

A. Yes.

MARTIN VAN ALLEN.

Subscribed and sworn to before me—

H. W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

104 C. P. WESTERFIELD, a witness called on behalf of the defendant, being first duly sworn, was examined in chief by Mr. GAGE the 29th day of November, A. D. 1884:

Q. State your name.

A. C. P. Westerfield.

Q. What was your business in the year 1879?

A. Surveyor.

Q. Mr. Westerfield, I will ask you whether you are acquainted with the property in controversy here, being lots 12 and 13, in Louis Heintze's subdivision, in the town of Lake.

A. I am.

Q. In the spring of 1879 were you acquainted with that property?

A. I was on the property.

Q. In what capacity did you visit the land then?

A. In looking for and serving a notice on the Caldwells, who had possession of the property at the time.

Q. For whom?

A. Asahel Gage, I believe.

Q. Will you state, Mr. Westerfield, whether in the spring, on or about the 4th of April, 1879, you served a notice of the tax sales of this property upon Peter Caldwell?

A. On the 4th day of April I served a notice personally on Peter Caldwell and wife.

Q. Do you remember the fact of your having served the notice upon Peter Caldwell?

A. I do.

Q. What business was Peter Caldwell in at the time, if you know?

A. He was keeping a saloon.

C. P. WESTERFIELD.

Subscribed and sworn to before me this 21st day of May, 1885.

H. W. BISHOP,
Master in Chancery of the Circuit Court of the United States for the Northern District of Illinois.

105 Nov. 29TH, A. D. 1884.

Present: Mr. Sprague and Mr. Gage.

HENRY H. GAGE, a witness on behalf of the defendant, being first duly sworn, was examined in chief by Mr. GAGE, and deposes and says as follows:

Int. 1. Please state your name, age, residence, and occupation.

A. Henry H. Gage.

Q. What is your business?

A. Real estate.

Q. What was your business in 1877?

A. Real estate and dealing in tax titles—tax certificates.

Q. You may state whether you attended the tax sale held in Cook county, State of Illinois, in 1877.

A. I did.

Q. Are you acquainted with the property in question, being lots 12 and 13, in block 2, Louis Heintze's subdivision, the property in controversy?

A. Well, I am not personally acquainted with them. I know where they are.

Q. Are you familiar with the description of the lots?

A. Yes; somewhat.

Q. Have you heard the questions propounded to Mr. Van Allen in this case?

A. Yes, sir.

Q. By reference to the description which was given to Mr. Van Allen would you have any difficulty in locating this property?

Objected to as incompetent.

A. No, sir; none whatever.

Q. Did you attend the tax sale in the year 1877?

A. Yes.

Q. State, if you please, how that sale was conducted.

Objected to as immaterial.

A. The tax sale that year was opened on the day designated in the judgment against the property for taxes and on the day designated in the advertisement, and each different account of taxes was opened on the day so advertised and properly adjourned from day to day until all that was delinquent had been sold or forfeited, had been reached in its regular order. There was but one annual tax
106 sale that year, and each different tax was reached and put up for sale in regular order according to the books in the county treasurer's office.

Objected to by counsel for complainant as incompetent.

Q. Did you attend all through that sale?

A. Yes.

Q. Until the close of the sale?

A. Until the last piece that was offered for sale had been sold.

Cross-examination by Mr. SPRAGUE:

Q. Where was that?

A. My impression is that it was a lot in Kinzie's Addition, on the North Side.

Q. Why do you think so?

A. Simply from recollection. I have no memoranda to guide me.

Q. Then you may and may not have stayed until the last sale took place?

A. I did stay until the last sale took place.

Q. How do you identify the last sale if you can't tell what sale it was?

A. It has been my custom always when attending a tax sale to remain until the last piece was reached and sold.

Q. You speak of your general custom and not from recollection in this particular case?

A. I am reasonably certain that I stayed until the last sale.

Mr. GAGE: Was you at that sale during the month of August?

A. Yes.

A. All through the month of August?

A. Whenever there was a sale on the day the sale took place I was there.

All this is objected to.

Q. Did you attend that tax sale in September?

Objected to as immaterial.

A. Yes.

HENRY H. GAGE.

Subscribed and sworn to before me this 27 day of May, A. D. 1885.

HENRY W. BISHOP,
Master in Chancery, &c.

107 Mr. GAGE: I next offer in evidence as "Exhibit 8 Gage" an instrument purporting to be a tax deed executed by Herman Lieb, county clerk of Cook county, Illinois, dated 24th day of July, 1876, conveying to Asahel Gage lots 12 and 13, in block 2, in Louis Heintze's subdivision, being the property in controversy, which deed is acknowledged on the 24th day of July, 1876, and endorsed thereon is the certificate that the same was recorded in the recorder's office of Cook county, Illinois, in Book 641 of Records, at page 451, which deed is numbered 767.

Objected to as *res adjudicata*, the title under said deed having been disposed of by plea held insufficient on a former order of this honorable court and void under the statute of limitation, and for the further objection that it does not appear that any notice was served or published according to law, and therefore said deed is incompetent, irrelevant, and immaterial so far as relates to the property in question.

Mr. GAGE: I will next offer in evidence an instrument purporting to be a tax deed, dated July 6, 1880, executed by E. F. C. Klokke, clerk of Cook county, Illinois, conveying to Asahel Gage lots 12 and 13, in block 2, of Louis Heintze's subdivision, the property in question, which said deed was acknowledged on July 6, 1880, and upon the back thereof is endorsed the certificate of the recorder of Cook county, Illinois, that the instrument was duly recorded in Book 967 of Records, at page 636, which instrument is marked No. K 1197, and desire to have the same marked Exhibit "9 Gage."

Objected to as immaterial, being set out in the bill and admitted in the answer.

Mr. GAGE: I will next offer in evidence tax receipt, dated September 13, 1878, of lot 13, in block 2, and ask to have the
108 same marked "Exhibit 10 Gage."

Objected to.

Mr. GAGE: I will next offer in evidence a tax receipt upon the same lot, dated March 24, 1879, and ask to have it marked "Exhibit 11 Gage," and ask to have copies made of all these tax receipts, to be hereto attached, which is accordingly done.

Tax receipt upon the same lot, dated April 27, 1880, marked "Exhibit 12 Gage" and hereto attached.

Tax receipt upon same lot, dated August 19, 1879, marked "Exhibit 13 Gage," hereto attached.

Tax receipt upon the same lot, dated December 19, 1883, marked "Exhibit 14 Gage," hereto attached.

Tax receipt upon the same lot, dated September 11, 1878, marked "Exhibit 15 Gage," hereto attached.

Tax receipt upon lot 12, in block 2, of Louis Heintze's subdivision, dated September 11, 1878, marked "Exhibit 16 Gage," hereto attached.

Tax recipt upon the same lot, dated Sept. 3, 1878, marked "Exhibit 17 Gage," hereto attached.

Tax receipt upon same lot, dated December 19, 1882, marked "Exhibit 18 Gage," hereto attached.

Tax receipt upon same lot, dated April 27, 1880, marked "Exhibit 19 Gage," hereto attached.

Tax receipt upon same lot, dated March 24, 1879, marked "Exhibit 20 Gage," hereto attached.

Tax receipt upon same lot, dated August 19, 1879, marked "Exhibit 21 Gage," hereto attached.

Counsel for complainant here interposes an objection to each and all of the above tax receipts as are marked respectively "Exhibits 10 to 21" as incompetent, irrelevant, and immaterial.

Adjourned to Dec. 13, 11 o'clock a. m.

109 EXHIBIT 10 GAGE.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Sept.* 3, 1878.

Received of Asahel Gage one & $\frac{60}{100}$ dollars in full for the sixth installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Dollars.	Cts.
Louis Heintz' sub., in S. W. $\frac{1}{4}$ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2		97
Costs		22
Interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum		41
	1	60

N. B.—Parties remitting by mail or otherwise will please compute and add interest as indicated above. Drafts on Chicago, currency by express, or a post-office order required.

S. H. McCREA,
Co. Collector.
GOODMAN.

9 | 70.

110 EXHIBIT 11 GAGE.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Mar.* 24, 1879.

Received of Asahel Gage one $\frac{40}{100}$ dollars in full for the seventh installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Doll.	Cts.
Louis Heintz' subd'n, 24 ac. E. & adj. W. 10 ac., N. $\frac{1}{2}$ N. $\frac{1}{2}$ S. W. $\frac{1}{4}$ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2		97
Interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum		43
	1	40

N. B.—Parties remitting — or otherwise will please compute and

add interest as indicated above. Drafts on Chicago, currency by express, or a post-office order required.

S. H. McCREA,
Co. Collector,
By C. JEMEGAN.

St. 36, 5 Park.
10 | 93.

111 EXHIBIT 12 GAGE.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Ap'l* 27, 1880.

Received of Asahel Gage, Vineland, New Jersey, six dollars and 75 cents for special assessment No. 92, in town of Lake, for sidewalk on 43rd St., on the following-described property, to wit:

Description.	Assessment. Dolls. Cts.
Louis Heintz' sub'n, section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2	6 75

Parties remitting by mail must send draft on New York or Chicago or a post-office order.

W. T. JOHNSON,
Co. Collector,
By W. E. MILLER.

REICHARDT,
Collecting Clerk.

18 | 158.

EXHIBIT 13 GAGE.

Special Assessment Receipt.

Collector's office, Cook county, State of Illinois.

CHICAGO, *Aug.* 19, 1879.

Received of Asahel Gage five dollars and 25 cents for special assessment No. 79, in town of Lake, for cindering 43rd St., on the following-described property:

Description.	Assessment. Dollars. Cts.
Assessor's division S. W. ¼, Louis Heintz' subd'n lot 17, section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2	5 00
Costs	25
	5 25

Parties remitting by — must send draft on New York or Chicago or a post-office order.

S. H. McCREA,
Co. Collector.
By GLASSBROOK.

6 | 208.

112 EXHIBIT 14 GAGE.

Collector's office, town of Cicero, Cook county, State of Illinois.

CHICAGO, *Dec.* 19, 1882.

Received of Asahel Gage ten dollars and 26 cents in full of State, county, village, town, school, and city taxes due for the year 1882 on the following-described property:

	Total tax. Dolls. Cts.
Description.—Heintz' sub'n, in S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2; valuation, 175	10 26

Cash book, page —.

Parties remitting must send draft on Chicago, currency by express, or a post-office order.

FRANK BECKER, *Collector,*
By BURCKY.

EXHIBIT 15 GAGE.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Sept. 11th,* 1878.

Received of Asahel Gage three dollars and 64 cents for fourth installment of special assessment No. 36, in town of Lake, for water pipes on 43rd street, on the following-described property, to wit:

	Assessment. Dollars. Cents.
Description.—Louis Heintz' sub. 24 ac. E. & adj. W. 10 ac. N. ½ N. ½ S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 13, block 2	2 50
Costs	22
Interest on amount of assessment, at 10 per cent. per annum, from Jan'y 20, 1875, to date of payment	92
	3 64

N. B.—Parties remitting by mail or otherwise will please compute and add interest as indicated above.

S. H. McCREA,
Co. Collector,
By GOODMAN.

113 EXHIBIT 16 GAGE.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Sept.* 11*th*, 1878.

Received of Asahel Gage three dollars and 64 cents for fourth installment of special assessment No. 36, in town of Lake, for water pipes on 43rd street, on the following-described property, to wit:

	Assessment. Dollars.	Cents.
Description.—Louis Heintz' sub. 24 ac. E. & adj. W. 10 ac. N. ½ N. ½ S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 12, block 2	2	50
Costs		22
Interest on amount of assessment, at 10 per cent. per annum, from Jan'y 20, 1875, to date of payment		92
	3	64

N. B.—Parties remitting by mail or otherwise will please compute and add interest as indicated above.

S. H. McCREA,
Co. Collector,
By GOODMAN.

6-1-'87.

114 EXHIBIT 17 GAGE.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Sept.* 3, 1878.

Received of Asahel Gage one $\frac{60}{100}$ dollars in full for the sixth installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Dollars.	Cents.
Louis Heintz' sub., in S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 12, block 2		97
Costs		22
Interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum		41
	1	60

N. B.—Parties remitting by mail or otherwise will please com-

pute and add interest as indicated above. Draft on Chicago, currency by express, or a post-office order required.

S. H. McCREA,
Co. Collector,
By GOODMAN.

9 | 20

115 EXHIBIT 18 GAGE.

Collector's office, town of Cicero, Cook county, State of Illinois.

CHICAGO, *Dec.* 19, 1882.

Received of Asahel Gage fifteen dollars and 37 cents in full of State, county, village, town, school, and *etc.* taxes due for the year 1882 on the following-described property :

	Total tax. Dollars. Cts.
Description.—Heintz' sub., in S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 12, block 2; valuation, 262	15 37

Parties remitting must send draft on Chicago, currency by express, or a post-office order.

FRANK BECKER, *Collector,*
By BURCKY.

116 EXHIBIT 19 GAGE.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Ap'l* 27, 1880.

Received of Asahel Gage, Vineland, New Jersey, six dollars and 75 cents for special assessment No. 92, in town of Lake, for sidewalk on 43rd St., on the following-described property, to wit :

	Assessment. Dollars. Cts.
Description.—Louis Heintz' sub'n, section 4, town. 39, range 14; No. of acres, —; sub-lot —; lot 12, block 2	6 75

N. B.—Parties remitting by mail must send draft on New York or Chicago or a post-office order.

W. T. JOHNSON,
Co. Collector,
By W. E. MILLER.

REICHARDT,
Collecting Clerk.

18 | 158.

117 EX. 20 GAGE.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Mar.* 24, 1879.

Received of Asahel Gage one $\frac{40}{100}$ dollars in full for the seventh installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Dollars.	Cents.
Louis Heintz' sub. 24 ac's E. & adj. W. 10 acres N. ½ N. ½ S. W. ¼ section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 12, block 2		97
Interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum		43
	1	40

Parties remitting by mail or otherwise will please compute and add interest as indicated above. Drafts on Chicago, currency by express, or a post-office order required.

S. H. McCREA,
Co. Collector.
C. JERNEGAN.

10 | 94.

118 EXHIBIT 21 GAGE.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Aug.* 19, 1879.

Received of Asahel Gage five dollars and 25 cents for special assessment No. 79, in town of Lake, for cindering 43rd street, on the following-described property, to wit:

	Assessment. Dollars.	Cts.
Assessor's div'n S. W. ¼, Louis Heintz' sub'n lot 17, section 4, town. 38, range 14; No. of acres, —; sub-lot —; lot 12, block 2	5	
Cost		25
	5	25

Parties remitting by mail must send draft on Chicago or New York or a post-office order.

S. H. McCREA,
Co. Collector,
By GLASSBROOK.

6 | 208.

119 SATURDAY, *the 13th Day of December, A. D.* 1884.

Present: Mr. Sprague and Mr. Gage.

Counsel for complainant offers in rebuttal a certified copy of record of sale, August 29, 1873, deed issued July 24, 1876, containing judgment, precept, notice of judgment, certificate, &c., marked Exhibit 41 Bani.

Counsel for defendant objects to the document offered in evidence—

First. Because the document is not certified in accordance with law and is, because of the failure of a proper certificate, not admissible in evidence at all.

Second. There is no allegation in the bill that would warrant the introduction of the testimony or evidence sought to be put in.

Third. That it is not rebutting evidence. A further objection to the testimony is that it does not appear from the statement of counsel or otherwise for what purpose it is offered in evidence; that it does not appear from whom the document was made, and that it is incompetent — irrelevant in this case.

Counsel for defendant also objects because it appears from the offer made by counsel that it includes also a deed issued on July 24, 1876, which deed is not a part of the record, as appears from the record; also that these objections relate more particularly to that part of the document which purports to be the proceedings in the tax case.

Counsel for defendant also renews the objections as aforesaid because they are not certified properly to that portion of the exhibit which purports to be the proceedings or affidavits upon which the deed was issued.

Counsel for defendant wishes distinctly to call attention to the objection that goes to the certificate attached to the document, which is all the evidence offered by either party.

120 EXHIBIT I.

This indenture witnesseth: That the grantors, Peter Caldwell and Ann Caldwell, his wife, of the town of Lake, in the county of Cook and State of Illinois, for and in consideration of the sum of three thousand ($3,000) dollars in hand paid, convey and warrant to John H. Bani, of the town of Lake, county of Cook and State of Illinois, the following-described real estate, to wit:

Lots number twelve (12) and thirteen (13), in block number two (2), in Louis Heintze's subdivision of twenty-four acres east and adjoining the west ten (10) acres of the north half (½) of the north (½) of the southwest one-quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian, situated in the county of Cook, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this State.

Dated this fifteenth day of May, A. D. 1882.

PETER CALDWELL. [SEAL.]
ANN CALDWELL. [SEAL.]

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Matthew Fleming, a notary public in and for the said county, in the State aforesaid, do hereby certify that Peter Caldwell and Ann Caldwell, his wife, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 15th day of
121 May, A. D. 1882.

[SEAL.] MATTHEW FLEMING,
Notary Public.

(Endorsed.)

STATE OF ILLINOIS, } ss:
Cook County, }

No. 395,565.

This instrument was filed for record in the recorder's office of Cook county aforesaid on the 16 day of May, A. D. 1882, at 11 o'clock a. m., and recorded in Book 1166 of Deeds, on page 288.

JAS. W. BROCKWAY, *Recorder.*

122 EXHIBIT 2.

Delinquent list on special assessment warrant No. 36, levied and assessed by authority of the town of Lake for the laying of an eight-inch water pipe in Forty-third street from the centre line of State street to the centre line of Halsted street, in said town of Lake.

Description of Warrant Issued to the Undersigned, Peter Murphy, Collector of the Town of Lake, by the Clerk of said Town.

STATE OF ILLINOIS, } ss:
County of Cook, }

The people of the State of Illinois to town collector of the town of Lake, Greeting:

Whereas on the 17th day of August, A. D. 1874, the clerk of the county court of the said county of Cook did certify to the undersigned, town clerk of the said town of Lake, a true and correct copy of the assessment-roll filed in the office of the clerk of the said county court by the commissioners appointed by the said court to make the assessment for the improvement contemplated by the ordinance adopted by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, which said ordinance provides for the improving of 43rd street by laying an eight-inch cast-iron pipe in said street along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at its intersection

with Dearborn St., Bissell St., Wallace street, Winter street, and Murray street, said improvement to be made in accordance with specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day
123 of March, A. D. 1874, and of the judgment of said county court in the matter of the application of the town of Lake for the confirmation of said special assessment number 36, the said assessment-roll, which describes the lots, blocks, tracts, or parcels of land assessed and the respective amounts assessed on each lot, block, tract, or parcel of land and the said judgment so certified, being as follows, to wit:

"*Assessment-Roll No.* 36.

The following is the assessment-roll made by the commissioners appointed by the county court of Cook county to assess the cost of the improvement contemplated by the ordinance adopted by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, providing for the improvement of 43rd St. by laying an eight-inch cast-iron water pipe in said street along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at its intersection with Dearborn street, Bissell St., Wallace St., Winter street, and Murray street, said improvement to be made in accordance with specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, showing a description of the real estate deemed by said commissioners specially benefited by said contemplated improvement, and also showing a description of each lot, block, tract, or parcel of land and the amount assessed by said commissioners as special benefits thereto, the names of the respective owners thereof, so far as known, and the amount found by said commissioners as public benefit and assessed to said town of Lake."

Here follows the assessment-roll, showing the names of the owners, so far as known to the commissioners, a description
124 of each lot, block, tract, or parcel of land and the amount assessed as special benefits thereto, and also the amount found as public benefit and set down against the town of Lake, which roll is signed by the commissioners.

Certificate of Commissioners.

TOWN OF LAKE, *May 30th*, 1874.

The undersigned, commissioners appointed by the county court of Cook county to assess the cost of the improvement contemplated by the ordinance adopted by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, providing for the improvement of 43rd street by laying an eight-inch cast-iron water pipe along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at its inter-

section with Dearborn St., Bissell St., Wallace St., Winter St., and Murray St., said improvement to be made in accordance with the specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, do hereby certify that they have completed the foregoing assessment-roll, showing a description of the real estate by them deemed benefited by said contemplated improvement; also showing a description of each lot, block, tract, or parcel of land and the amount assessed by them as special benefits thereto, the names of the respective owners thereof, so far as known, and the amounts found by said commissioners as public benefit and assessed to said town of Lake; that before proceeding to make assessment they were duly qualified before entering upon their duties, as appears by the oath hereunto attached; that they examined the locality where the said improvement is proposed to be made and the lots, blocks, tracts, and parcels of land that will be specially benefited thereby, and did estimate what proportion of the total cost of such improvement will be of benefit to the public and what proportion thereof will be of benefit to the property to be benefited, and did apportion the same between the town of Lake and such property so that each shall bear its relative equitable proportion, the amount so estimated and apportioned to said town being the sum of $9,688.55 and the amount so estimated and apportioned to property to be benefited being the sum of $7,849.83; that, having found said amounts, they did apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts, and parcels of land in the proportion in which they will be severally benefited by such improvement, and that no lot, block, tract, or parcel of land has been assessed a greater amount than it will be actually benefited by said improvement.

125

ISAAC DRAKE,
W. H. EDWARDS,
FRED. L. KINMEY,
Commissioners Appointed by the County Court of Cook County, Illinois, to Make said Assessment."

(Here follows a certified copy of the judgment of the county court of Cook county confirming said assessment, with the certificate of the clerk of the said court attached.)

And whereas section two of said ordinance adopted by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, provides that the several improvements herein named shall be made and the cost thereof be paid for by a special assessment to be levied upon the property benefited thereby to the amount that the same can be legally assessed therefor in accordance with article nine of an act of the General Assembly of the State of Illinois entitled An act to provide for the incorporation of cities and villages, approved the tenth day of April, A. D. 1872, said assessment to be paid in ten annual installments, with interest, at ten per

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cent. per annum, payable annually, from the date of the issuance of the warrant for the collection thereof to the collector until paid:

Now, therefore, you are hereby commanded to make, levy, and collect as the third installment of the special assessment upon each of the foregoing-described pieces and parcels of real estate levied for making the improvements contemplated by the ordinance adopted by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, which said ordinance provides for the improvement of 43rd street by laying an eight-inch cast-iron water pipe in said street along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, to wit, at its intersection with Dearborn street, Bissel St., Wallace St., Winter St., and Murray St., said improvement to be made in accordance with the specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, the one equal one-tenth part of the several sum or sums of money set opposite to the real estate respectively or persons in said foregoing assessment list respectively mentioned or described and interest thereon, at ten per cent. per annum, from January 20th, 1875, until paid of the goods and chattels of the respective owners of such real estate, and cause to be made, levied, and collected in the manner authorized by law the said equal one-tenth part of such respective sums of money set opposite said respective pieces and parcels of real estate and
127 interest aforesaid of the said pieces or parcels of real estate respectively and proceed herein as required by law, and this shall be your sufficient warrant therefor.

Witness the corporate seal of the town of Lake and the signature of the town clerk of said town this 20th day of January, 1877.

RUDOLPH BIESTER,
[SEAL.] *Town Clerk of the Town of Lake.*

The following is a correct list of the lots, blocks, pieces, and parcels of real estate named in the assessment-roll in said warrant upon which the third installment of said special assessment remains due and unpaid, together with the several amounts due and unpaid thereon respectively.

128 The following is a correct delinquent list of the real estate situ-ed in the town of Lake, Cook county and State of Illinois, upon which remains due and unpaid 3rd installment of special assessment (warrant No. 36) levied and assessed by authority of the town of Lake for water pipes on Forty-third street, together with interest thereon, at the rate of ten per cent. per annum, from Jan'y 20, 1875, continued:

Owner's name.	Description.	Section.	Town.	Range.	Sub-lot.	Block.	Lot.	Assessment.	Remarks.
								Dollars. Cents.	
	Assessor's division S. W. ¼	4	38	14	.....	.....	.....	.....	Aug. 8th, 1877.
	Louis Heintz' sub. of 24 ac. E. & adj. W. 10 ac. of N. ½ N. ½ S. W. ¼, being part of lot 17, ass'r's div. S. W. ¼	4	38	14					
Peter Caldwell	.....	.....	.....	.....	12	2	17	2 50	Sold A. Gage.
					13	"	"	2 50	Sold A. Gage.

129 STATE OF ILLINOIS, } ss:
Cook County, Town of Lake, }

Peter Murphy, being first sworn according to law, on oath says that he is the town collector of the town of Lake, in the county of Cook and State of Illinois, and that the foregoing list is a correct return and report of the lands, town lots, and real property on which the third installment and interest thereon from the 20th day of January, A. D. 1875, of special assessment No. 36, levied by authority of the town of Lake for the improvement of 43rd street by laying an eight-inch cast-iron water pipe in said street along a line parallel to and eight feet south of the centre line thereof from the centre of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at its intersection with Dearborn St., Bissel St., Wallace St., Winter St., and Murray St.—

Said improvement to be made in accordance with the specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, remains due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrant had been received by him for collection.

PETER MURPHY,
Town Collector of the Town of Lake.

Said Peter Murphy, on the 10th day of March, 1877, personally appeared before me and subscribed and made oath to the foregoing affidavit.

Witness my hand and official seal.

[SEAL.] ALBERT H. VEEDER,
Notary Public, Cook County, Ills.

130 *Delinquent List.*

Third installment of special assessment number thirty-six (36), town of Lake.

Office of the county treasurer and *ex officio* county collector of Cook county.

STATE OF ILLINOIS, CHICAGO, *May 18th*, 1877.

The foregoing is a list of the delinquent lands, town lots, and real

property in the town of Lake, in the county of Cook, State of Illinois, upon which remains due and unpaid the third installment of special assessment number thirty-six (36), levied and assessed by authority of the said town of Lake and confirmed by the county court of said county, as certified by the clerk of said court on the seventeenth (17) day of August, A. D. 1874, to the town clerk of said town of Lake, for the improvement of Forty-third street by laying an eight-inch cast-iron water pipe along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at its intersection with Dearborn street, Bissel street, Wallace street, Winter street, and Murray street, said improvement to be made in accordance with the specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, together with the names of the owners thereof, so far as known, and the amount of said third installment of special assessment No. 36 due and unpaid thereon respectively.

The figures in this list in the column headed dols. & cts. represent the amount of the third installment of said special assessment
36 due and unpaid on the property hereinafter described and the amounts to bear interest, at the rate of ten. per cent. per an-
131 num, from the twentieth day of January, A. D. 1875, until the day of payment.

Assessor's Division of S. W. ¼ Sec. 4, T. 38, R. 14.

Lewis Heintz' sub. of 24 ac's E. and adj. W. 10 ac's of N. ½ N ½ S. W. ¼, being part of lot 17, assessor's div. S. W. ¼ sec. 4, T. 38, R. 14.

	S. P't.	Bl'k.	L't.	Dols. & cents.
P. Caldwell	12	2	17	2 50
	13	do.	do.	2 50

Public notice is hereby given that the undersigned, county treasurer and *ex officio* county collector of Cook county, State of Illinois, will apply to the county court of said county, at the June term thereof, to commence on the second Monday of June, A. D. 1877, being the eleventh (11th) day of June, 1877, for judgment against the delinqent lands, lots, and real property described in the foregoing list for the amounts due and unpaid on such lands, lots, and real property respectively for the third installment of said special assessment number thirty-six (36), levied and assessed by authority of the town of Lake, in the county of Cook, and confirmed by the county court of said county for the improvement of Forty-third

street by laying an eight-inch cast-iron water pipe along a line parallel to and eight feet south of the centre line thereof from the centre line of State street to the centre line of Halsted street, with five hydrants, to be located as follows, viz., at the intersection with Dearborn street, Bissel street, Wallace street, and Murray street, said improvement to be made in accordance with the specifications established for such work by an ordinance passed by the board of trustees of the town of Lake on the 25th day of March, A. D. 1874, and interest and costs due thereon, and for an order to sell said lands, town lots, and real property for the satisfaction thereof.

And public notice is also hereby given that on the sixth
132 Monday next succeeding the second Monday of June, 1877, being the twenty-third (23d) day of July, A. D. 1877, at the hour of ten o'clock a. m., all the lands, town lots, and real property described in the foregoing list against which judgment shall be rendered for the amount of the third installment of said special assessment 36 and interest and costs for the sale of which an order shall be made will be exposed to public sale at the building where the county court is held in said county, to wit, the county building, situate on the northwest corner of Dearborn avenue and Michigan street, in the city of Chicago, in said county of Cook, for the amount of such third installment, interest and costs due thereon respectively.

Dated Chicago, May 18th, 1877.

LOUIS C. HUCK,
County Treasurer and ex Officio County Collector of Cook County, Illinois.

I, William Penn Nixon, publisher of the Inter-Ocean, do hereby certify that the foregoing list of delinquent lands and lots contained in the newspaper, "The Inter-Ocean," to which this certificate is attached, which said list is headed "delinquent list, third installment, of special assessment number thirty-six (36), town of Lake," with notices thereto attached, were published and advertised once in "The Inter-Ocean," a daily newspaper published in Cook county, State of Illinois, and the whole of said advertisement was contained in one edition of said newspaper, the said newspaper being a newspaper of general circulation throughout said county, and that the date of the paper containing the same was the 18th day of May, A. D. 1877.

That said delinquent list and notice have been published for the time required by law.

133 In witness whereof I have hereunto set my hand this 31st day of May, A. D. 1877.

WM. PENN NIXON,
Publisher of the Inter-Ocean.

STATE OF ILLINOIS, } ss.:
Cook County, }

I, William Penn Nixon, do solemnly, sincerely, and truly declare and affirm that I am the publisher of "The Inter-Ocean," a daily newspaper printed in said county of Cook, in the State of Illinois,

and of general circulation throughout said county; that the foregoing certificate by me subscribed is true.

WM. PENN NIXON.

Subscribed, declared, and affirmed before me this 31st day of May, A. D. 1877.

JOHN FORSYTHE,
Notary Public.

[SEAL.]

STATE OF ILLINOIS, } ss:
County of Cook, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the second Monday (being the eleventh day) of June, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Independence of the United States of America the one hundred and first.

Court opened by proclamation.

134 Present thereat: Hon. Martin R. M. Wallace, judge of the county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMANN LIEB,
Clerk of the County Court of Cook County.

IN the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the county of Cook, in the State of Illinois, for judgment for the delinquent third installment of special assessment number 36, levied and assessed by authority of the town of Lake, in said county.

And now, on this day, comes into court Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by John M. Rountree, Esq., his attorney, and applies to the court for judgment for the delinquent third installment of special assessment number 36, levied and assessed upon the lands and lots in the town of Lake by authority of the said town of Lake, in said county, and confirmed by the county court of Cook county on the 13th of July, A. D. 1874, the delinquent list of said lands and lots and the amount of said third installment of said third assessment, together with printer's fees and costs remaining due and unpaid thereon, and for which said collector now applies for judgment, being hereinafter fully set forth.

And it appearing to the court and the court finding from evidence presented that due notice, as required by law, has been given by said application for judgment, it is ordered that any and all parties desiring to object to the rendition of judgment against said lands and lots file their objections thereto in writing by 10 o'clock a. m. on Monday, the 18th day of June instant.

____ ____,
Judge of the County Court of Cook County, Illinois.

135 County Court of Cook County.

MONDAY, *June 18th, A. D.* 1877.

Court being in session.

Present same as on the 11th instant.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the county of Cook, in the State of Illinois, for judgment for the delinquent third installment of special assessment number 36, warrant number 36, levied and assessed by authority of the town of Lake, in said county.

This day again comes the said Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by John M. Rountree, Esquire, his attorney, and on his motion for cause shown it is ordered by the court that said application for judgment be, and the same is hereby, continued for hearing to the July term, A. D. 1877, of the court.

——— ———,

Judge of the County Court of Cook County, Illinois.

tion for a judgment against said lands and lots and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the amount of said special assessment, printer's fees, and costs due and unpaid thereon—that is to say, the third installment of special assessment number 36, levied and assessed by authority of the town of Lake, in said county, and confirmed by the county court of Cook county on the 13th
139 day of July, A. D. 1874, and printer's fees and costs due thereon:

Therefore it is ordered by the court that judgment be, and is hereby, entered against the aforesaid tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to the description of each, being the amount of the said third installment of said special assessment, printer's fees, and costs due and unpaid severally thereon.

And it is ordered by the court that the said several tracts or lots of land, or so much of each of them as shall be sufficient to satisfy the amount of the said special assessment, printer's fees, and costs annexed to them severally, be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

140 *Process and Record of Sale on Third Installment of Special Assessment (Warrant No. 36) Levied and Assessed by Authority of the Town of Lake.*

Owner's name.	Description.								Installment of assessment.	Interest.	Cost.	Total amount of judgement.	Remarks.	Part sold.	When sold—date.	Name of purchaser.	When redeemed.	By whom redeemed.	Amount deposited.	No. of redemption certificate.	Certificate of sale cancelled.	No. of sale.†
	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	*Dollars. Cts.*	*Dolls. Cents.*	*Dollars. Cts.*	*Dollars. Cts.*							*Dollars. Cts.*			
Assessor's div. of S. W. ¼	4	38	14																			
Louis Heintz' subd'n of 24 ac's E. & adj. W. 10 ac's of N. ½ N. ½ S. W. ¼, being part of lots 17, assessor's div'n S. W. ¼	4	38	14	.....	.....	Block.	Lot.	.....	2 50	59	40	3 49	.....	.....	Aug. 8, 1877	A. Gage..	} *	.....	.....	.....	(	193
Peter Caldwell	.....	.....	.....	.....	12	1	17	.....	2 50	59	40	3 49	.....	.....	" " "	do...	}	.....	.....	.....	(	194
"	.....	.....	.....	.....	13	"	"															

* Deed issued to Asahel Gage by E. F. C. Klokke, county clerk, July 3, A. D. 1880, No. K 1191.

† Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for taxes of above year, and the sale is hereby cancelled and annulled.

141 STATE OF ILLINOIS, } ss:
County of Cook, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the second Monday (being the 9th day) of July, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Independence of the United States of America the one hundred and second.

Court opened by proclamation.

Present thereat: Hon. Martin R. M. Wallace, judge of the county court of Cook county; Charles Keer, sheriff of Cook county.

Attest: HERMANN LIEB,
Clerk of the County Court of Cook County.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for the delinquent third installment of special assessment number 36, levied and assessed by authority of the town of Lake, in said county.

And now, to wit, on this the sixteenth day of July, A. D. 1877, the same being one of the days of the July term, A. D. 1877, of this court, again comes the said Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by attorney, and this application coming on to be heard and no objection having been
142 filed herein to the rendition of judgment in said cause, on motion of said attorney it is ordered by the court that default be entered as to all the lands and lots in the foregoing list described.

And whereas due notice has been given of the intended application for a judgment against said lands and lots and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the amount of said special assessment, printer's fees, and costs due and unpaid thereon—that is to say, the third installment of special assessment number 36, levied and assessed by authority of the town of Lake, in said county, and confirmed by the county court of Cook county on the 13th day of July, A. D. 1874, and printer's fees and costs due thereon:

Therefore it is ordered by the court that judgment be, and is hereby, entered against the aforesaid tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to the description of each, being the amount of the said third installment of said special assessment, printer's fees, and costs due and unpaid severally thereon.

And it is ordered by the court that the said several tracts or lots of land, or so much of each of them as shall be sufficient to satisfy the amount of the said special assessment, printer's fees, and costs annexed to them, severally be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

143 STATE OF ILLINOIS, } ss:
County of Cook, }

I, Hermann Lieb, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the foregoing is a correct record of the tracts, parcels of land, and town lots in the town of Lake against which judgment was entered for the following-named special assessments, numbered sixty-five (65), sixty-six (66), sixty-seven (67), sixty-eight (68), sixty-nine (69), seventy (70), seventy-one (71), seventy-two (72), and seventy-three (73), and the second installment of special assessment number forty-two (42), and third installment of special assessment numbered thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), and forty (40), levied and assessed by the town of Lake, together with interest, penalties, and costs due and unpaid thereon for the year herein set forth, said judgment having been entered by the county court of Cook county on the sixteenth day of July, A. D. 1877.

In witness whereof I have hereunto set my hand and affixed the seal of the county court of Cook county, at Chicago, in said county, this twenty-third (23) day of July, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court of Cook County.

144 STATE OF ILLINOIS, } ss:
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of the delinquent return of the third installment of special assessment No. 36 of the town of Lake, and also of the county collector's published delinquent list as published in the "Inter-Ocean" on the 18th day of May, 1877, with the certificate of the publisher of said paper thereto attached; also a copy of the judgment record, with the final order of judgment and sale entered by the county court, and also a true and correct copy of the receipt and record of sale so far as the same relates to the property described in the foregoing copy.

All of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this 4th day of May, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

145 *Notice of Sale for Tax.*

To the owners or parties interested in the following-described lands and lots and to the persons in whose names the same were taxed or specially assessed and to whom it may concern:

This is to certify that at a sale of lands and lots held in the city of Chicago, county of Cook, and State of Illinois, which said sale

was commenced on the 23rd day of July, A. D. 1877, and was duly continued from day to day by adjournments duly announced as provided by law until the dates of the respective sales hereinafter mentioned, the same being reached in their regular order, the undersigned (Asahel Gage) purchased for taxes and special assessments authorized by and levied or assessed in compliance with the laws of the State of Illinois and taxed or specially assessed for the years hereinafter stated the following-described lands and lots, situate in the county of Cook and State of Illinois, on the days hereinafter particularly stated, and said lands and lots were taxed in the names hereinafter set forth, and the time of redemption of each of said lands and lots from the sale thereof will expire in two years from the date of each respective sale, as stated below, to wit:

On the 8th day of August, 1877, I purchased lots 12 and 13, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north, of range 14 east, of the third principal meridian, taxed in the names of P. Caldwell and Peter Caldwell, taxed or specially assessed for the year 1874 for the 3rd installment of special assessment number 36 of the town of Lake, and the time of redemption of said land or lots from said sale will expire on the 8th day of August, 1879.

Chicago, April 21st, 22nd, and 23d, 1879.

ASAHEL GAGE.

146 This is to certify that the annexed notice was published in the Chicago Daily Evening Journal, a newspaper of general circulation printed and published in the city of Chicago, county of Cook, and State of Illinois, three (3) times, being one time a day for three successive days, the date of the first paper containing the same being the 21st day of April, 1879, having been published and issued on that day, and the date of the last paper containing the same being the 23rd day of April, 1879, being published and issued on that day, and that I have received $103.62 *dollars* for publishing the same.

Dated at Chicago, May 3rd, 1879.

HENRY W. FARRA, *Publisher.*

Filed Feb'y 3rd, 1880.

E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, } ss:
County of Cook, }

AUGUSTUS N. GAGE, of lawful age, being first duly sworn, doth depose and say that he resides in said county; that he is the agent and attorney of Asahel Gage, who purchased the land or lots described in the certificates of purchase hereto attached at the tax sale mentioned therein; that said certificates hereto attached are the identical certificates of purchase issued to said Asahel Gage at said tax sale, and that the said Asahel Gage is the legal holder thereof; that more than three months and less than five months

before the time for redemption of the land described in the said annexed certificates from the sale set forth therein expired the said Asahel Gage published in the Chicago Daily Evening Jour-
147 nal, a newspaper of general circulation in said county and State, printed and published in the city of Chicago, in said county and State, a notice of the said purchase at said tax sale, which said notice was inserted and published in said newspaper three times, to wit, on the 21st and on the 22nd and on the 23rd days of April, A. D. 1879, the first time of such insertion being not more than five months and the last time being not less than three months before the time of said redemption expired; and deponent further says that the printed slip filed with the county clerk of said county, being a copy of said notice cut from one of said newspapers, and the certificate of publication thereof as aforesaid by the publisher of said newspaper are filed as further evidence of said publication as aforesaid.

And this affiant further says that Asahel Gage served or caused to be served written or printed or partly written and partly printed notices of purchase at said tax sale, as in other affidavits hereto attached more fully set forth, on every person in actual possession or occupancy of such land or lots, and also the person in whose name the same were taxed or specially assessed, if upon diligent inquiry they could be found in said county, and a reasonable notice was given to the owners or parties interested in said land or lots at least three months before the expiration of the time of redemption on such sale, and that said notices stated when he purchased the land or lots, in whose names taxed, the description of the land or lots he has purchased, for what year taxed or specially assessed, and when the time of redemption will expire.

And this affiant says that he has compared the affidavits hereto attached with the original memoranda of service of the respective parties making the same, and that the same are correct according to the original memoranda of service as aforesaid.

And this affiant says that the said lands or lots have not
148 been redeemed from the force and effect of said sale within the time and in the manner prescribed by law, and that he and the said Asahel Gage rely on the facts stated in this and other affidavits and the said certificates of purchase hereto annexed, and the said publication notice and certificate thereof, and compliance with the provisions of the constitution and laws of the State of Illinois in this behalf; and this affiant particularly says that all the conditions of section 216 of an act of the Legislature of the State of Illinois entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30th, 1872, and in force July 1st, 1872, have been strictly complied with, and therefore says that the said Asahel Gage has caused a reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property described in the notice attached for the taxes or assessments therein described and when the time of redemption would expire, and has complied with all the provisions of the constitution and laws of the State of Illinois to

entitle the said Asahel Gage to a deed or deeds of conveyance, and asks that a deed or deeds of conveyance vesting in said Asahel Gage the title to the land or lots described in the said annexed certificates of purchase may be issued as provided by law to said Asahel Gage.

AUGUSTUS N. GAGE.

Subscribed and sworn to before me this 24th day of June, 1880, before me—

[SEAL.] E. D. COOK,
Notary Public.

149 *Affidavit, Service and Witness.*

STATE OF ILLINOIS, } ss:
County of Cook, }

CHARLES P. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the days hereinafter mentioned, being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, served a notice, of which the annexed notice, marked Exhibit A, is a true copy, on Peter Caldwell and Ann Caldwell, his wife, by handing the same to and leaving the same with the said Ann Caldwell personally, near the premises described in said notice, in the town of Lake, in said county, on the 5th day of December, A. D. 1878.

Deponent is acquainted with the land or lots mentioned in said notice, and the persons so served were the only persons in actual possession or occupancy of said land or lots at least three months before the expiration of the time of redemption on the same mentioned in said notice, to wit, on the 5th day of December, A. D. 1878.

And the said land or lots were taxed or specially assessed in the name of P. Caldwell and Peter Caldwell, and deponent served a notice of which the annexed notice is a true copy on said P. Caldwell by handing the same to and leaving the same with Ann Caldwell, his wife, in the manner and form as above stated.

CHARLES P. WESTERFIELD.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

150 STATE OF ILLINOIS, } ss:
County of Cook, }

ELI H. BUNKER, of lawful age, being duly sworn, says that he resides in said county, and is the agent of Asahel Gage; that as such agent deponent, on the dates mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield,

on the dates and at the several places as mentioned in the foregoing affidavit, serve the notices above mentioned on the persons mentioned in the above affidavit; and this deponent further says that a copy of the annexed notice was served upon the said persons at the times, places, and in the manner and form as stated above.

ELI H. BUNKER.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

Affidavit, Service and Witness.

STATE OF ILLINOIS, } ss:
County of Cook, }

CHARLES P. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county, and is the agent of Asahel Gage; that as such agent deponent, on the day hereinafter — being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, served a notice, of which the annexed notice, marked Exhibit B, is a true copy, on P. Caldwell and Peter Caldwell, the persons in whose names the land or lots described in said notice *was* taxed or specially assessed, by handing the same to and leaving the same with Peter Caldwell personally, near the
151 premises described in the town of Lake, in said county, on the 4th day of April, A. D. 1879.

CHARLES P. WESTERFIELD.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

STATE OF ILLINOIS, } ss:
County of Cook, }

U. GEORGE TAYLOR, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the date mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield, on the date and at the place as mentioned in the foregoing affidavit, serve the notice above mentioned on the person mentioned in the above affidavit; and this deponent further says that a copy of the annexed notice was served upon the said persons at the time, place, and in the manner and form as stated above.

U. GEORGE TAYLOR.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

TAYLOR A. SNOW,
[SEAL.] *Notary Public.*

152 *Notice of Sale for Tax.*

To whom it may concern:

This is to notify you that on the 8th day of August, 1877, I purchased the following-described real estate, situate in the county of Cook and State of Illinois, at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois, taxed in the name of P. Caldwell, to wit:

Sub-lot —, lots 11, 12, 13, and 14, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north, of range 14 east, of the third principal meridian, taxed or specially assessed for the year 1874 for the third installment of special assessment number 36 of the town of Lake, and that the time of redemption thereof from said sale will expire on the 8th day of August, 1879.

ASAHEL GAGE.

Redemption may be made at the office of the county clerk.

Notice of Sale for Tax.

To whom it may concern:

This is to notify you that on the 8th day of August, 1877, I purchased the following-described real estate, situate in the county of Cook and State of Illinois, at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois, taxed in the names of P. Caldwell and Peter Caldwell, to wit:

Lots 11, 12, 13, and 14, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north, of range 14 east, of the third principal meridian, taxed or specially assessed for the year 1874 for the 3rd installment of special assessment number 36 of the town of Lake, and that the time of redemption thereof from said sale will expire on the 8th day of August, 1879.

ASAHEL GAGE.

Redemption may be made at the office of the county clerk.

153 36. Form 2.

Third installment special assessment No. 36, town of Lake.

Certificate of Sale.

No. 193. Volume 34, page 40.

STATE OF ILLINOIS, } ss:
Cook County, }

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis C. Huck, county treasurer and *ex officio* collector of the revenue of the county

of Cook, in the State of Illinois, for judgment for the delinquent third installment of the special assessment number 36, levied and assessed by authority of the town of Lake, in said county, for water mains on various streets, and confirmed by the county court of Cook county on the 13th day of July, A. D. 1874, and returned delinquent and unpaid by the town collector of the town of Lake, pursuant to law, a judgment was entered against the following-described lands or lots for so much of the said third installment of said special assessment as was found to be due thereon, interest and costs, being for the sum of three dollars and 49 cents, as follows, to wit:

Amount of third installment	$2 50
Interest	59
Cost	40
Total	$3 49

And in and by said judgment it was ordered by said court that said lands or lots or so much thereof as should be sufficient to satisfy the amount of said judgment be sold as the law directs, to wit:

154 Sub-lot —, lot 12, block 2, in Louis Heintz' subd. of 24 ac's E. & adjoining W. 10 ac's of N. ½ N. ½ S. W. ¼, being part of lot 17, assessor's division S. W. ¼ section 4, town. 38, range 14 east, of the third principal meridian, situated in said Cook county.

And that in pursuance of the statute in such case made and provided process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 23d day of July, A. D. 1877, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that A. Gage became the purchaser of the whole of said lands or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date thereof the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold, as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall from and after the expiration of such one year be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereunto subscribed my name
155 and affixed the seal of said county court, at Chicago, in said county, this 8th day of August, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court.

Countersigned.

L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

Form 2.

Third installment special assessment No. 36, town of Lake.

Certificate of Sale.

No. 194. Volume 34, page 40.

STATE OF ILLINOIS, } *ss:*
Cook County, }

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis C. Huck, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for the delinquent third installment of the special assessment number 36, levied and assessed by authority of the town of Lake, in said county, for water mains on various streets and confirmed by the county court of Cook county on the 13th day of July, A. D. 1874, and returned delinquent and unpaid by the town collector of the town of Lake, pursuant to law, a judgment was entered against the following-described lands or lots for so much of the said third installment of said special assessment as was found to be due thereon, interest and costs, being for the sum of three dollars and 49 cents, as follows, to wit:

156	Amount of third installment	$2 50
	Interest	59
	Cost	40
	Total	$3 40

In and by said judgment it was ordered by said court that said lands or lots or so much thereof as should be sufficient to satisfy the amount of said judgment be sold as the law directs, to wit:

Sub-lot, —, lot 13, block 2, in Louis Heintz' subd. of 24 acres E. and adj. W. 10 ac's of N. ½ N. ½ S. W. ¼, being part of lot 17, assessor's division S. W. ¼ section 4, town. 38, range 14 east, of the third principal meridian, situated in said Cook county.

And that in pursuance of the statute in such case made and provided process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 23rd day of July, A. D. 1877, open

the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid; and that A. Gage became the purchaser of the whole of said lands or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs, within two years from the date thereof, the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold, as by law directed.

157 Unless the holder of this certificate, takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall, from and after the expiration of such one year, be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereunto subscribed my name
[SEAL.] and affixed the seal of said county court, at Chicago, in said county, this 8th day of August, A. D. 1877.

HERMANN LIEB,
Clerk of the County Court.

Countersigned.

L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

No. K 1191.

Filed and deed issued to Asahel Gage July 3rd, A. D. 1880.

E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, } ss:
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of the affidavits, notices, and certificates of sale upon which tax deed No. K 1191 was issued by the county clerk of Cook county to Asahel Gage, on 3rd day of July, A. D. 1880, so far as the same relates to the
158 property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this 3rd day of May, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

159 EXHIBIT 3.

Cook County Delinquent Tax-List.

Office of the county treasurer and *ex officio* county collector, Cook county, Illinois.

CHICAGO, *May* 18, 1877.

The succeeding list, the caption of which is "list number two," is a list of delinquent lands and lots in the towns of South Chicago, Hyde Park, and Lake, in said county, upon which remains due and unpaid the fifth installment of a special assessment levied and assessed by the South Park commissioners and confirmed by the order of the circuit court of Cook county, together with the names of the owners, so far as known, and the total amount of such installment due and unpaid on each tract of land and lot according to the description contained in the delinquent return made to the county collector by the South Park commissioners.

List Number Two.

EXPLANATORY.—The figures in said "list number two" in the column headed "$" (meaning dollars) and "cts." (meaning cents) represent the amount of the fifth installment of said South park assessment, which became due and payable on the first day of September, A. D. 1876, and the said amounts bear interest respectively, at the rate of seven per cent. per annum, from the second day of September, A. D. 1872, until the day of payment.

Lake.

Assessor's Division of S. W. ¼ Sec. 4, T. 38, R. 14.

Louis Heintz' subdivision of 24 ac. E. and adj. W. 10 ac. of N. ½ of N. ½ of S. W. ¼ sec. 4, T. 38, R. 14, being part of lot 17.

Name.	L't.	Bl'k.	L't, part of.	
				$ *cents.*
P. Caldwell	12	2	17	97
"	13	"	"	97

160 Public notice is hereby also given that the undersigned, county treasurer and *ex officio* county collector of Cook county, State of Illinois, will apply to the county court aforesaid, *and* the June term thereof, to commence on the second (2d) Monday in June, A. D. 1877, being the eleventh (11th) day of June, A. D. 1877, for judgment against the delinquent lands, lots, and real estate as described in the foregoing list, the caption of which is "list number

two," for the amount due on the fifth installment of the special assessment levied and assessed by the South Park commissioners upon lands situated in the towns of South Chicago, Hyde Park, and Lake, in Cook county, State of Illinois, and confirmed by the circuit court of said county of Cook, and interest and costs due thereon, and for an order to sell said lands, lots, and real estate for the satisfaction thereof, and that on the sixth Monday next succeeding the second Monday in June, A. D. 1877, being the twenty-third (23d) day of July, 1877, at the hour of 10 o'clock a. m., all the lands, lots, and real estate described in said "list number two" against which judgment shall be rendered for such fifth installment, interest and costs, and for the sale of which an order shall be made will be exposed to public sale at the building where the county court is held in said county, to wit, the county building, situate on the northwest corner of Dearborn avenue and Michigan street, in the city of Chicago, in said county of Cook, for the amount of said fifth installment, interest and costs due thereon.

LOUIS C. HUCK,
County Treasurer and ex Officio County Collector of Cook County, Illinois.

Dated Chicago, May 18, 1877.

I, William Penn Nixon, publisher of the Inter-Ocean, do hereby certify that the foregoing list of delinquent lands and lots
161 contained in the newspaper, "The Inter-Ocean," to which this certificate is attached, which said lists are headed respectively "list number one," "list number two," and "list number three," with notices thereto attached, were published and advertised once in "The Inter-Ocean," a daily newspaper published in Cook county, State of Illinois, and the whole of said advertisement was contained in one certain edition of said newspaper, the said newspaper being a newspaper of general circulation throughout said county, and that the date of the paper containing the same was the 18th day of May, A. D. 1877; that said delinquent list and notices have been published for the time required by law.

In witness whereof I have hereunto set my hand this 31st day of May, A. D. 1877.

WM. PENN NIXON,
Publisher of The Inter-Ocean.

STATE OF ILLINOIS, } ss:
Cook County, }

I, William Penn Nixon, do solemnly, sincerely, and truly declare and affirm that I am the publisher of "The Inter-Ocean," a daily newspaper printed in said county of Cook, in the State of Illinois, and of general circulation throughout said county; that the foregoing certificate by me subscribed is true.

WM. PENN NIXON.

Subscribed, declared, and affirmed before me this 31st day of May, A. D. 1877.

JOHN FORSYTHE,
Notary Public.

[SEAL.]

162 STATE OF ILLINOIS, } ss:
County of Cook, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the second Monday (being the eleventh day) of June, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Independence of the United States of America the one hundred and first.

Present thereat: Honorable Martin R. M. Wallace, judge of the county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMAN LIEB,
Clerk of the County Court of Cook County.

Court opened by proclamation.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for the delinquent fifth installment of a special assessment levied and assessed by the South Park commissioners, corporate authorities of said towns, for park purposes upon the real estate by them deemed benefited in said towns by reason of the location and improvement of a park in the towns of South Chicago, Hyde Park, and Lake, in the said county of Cook and State of Illinois.

163 And now comes into court here Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by James P. Root, Esquire, attorney for him and on behalf of the South Park commissioners, and applies to the court for judgment for the delinquent fifth installment of the special assessment levied and assessed by the South Park commissioners upon the lands and lots in the towns of South Chicago, Hyde Park, and Lake, in the county of Cook and State of Illinois, by them deemed benefited in said towns by reason of the location and improvement of a park in said towns, and confirmed by the circuit court of Cook county, which said fifth installment became due and payable on the first day of September, A. D. 1876, together with interest thereon from the second day of September, A. D. 1872, to the eleventh day of June, A. D. 1877, the delinquent list of the lands and lots on which said fifth installment of said special assessment remains due and unpaid being contained in four volumes, numbered from thirty-seven to forty, inclusive, and hereinafter following.

And it appearing to the court from evidence presented and the court finding that due notice, as required by law, has been given of said application for judgment, it is ordered by the court that any

and all parties desiring to object to the rendition of judgment against said lands and lots file their objection thereto in writing by ten o'clock a. m. on Monday, the eighteenth day of June instant.

M. R. M. WALLACE, *Co. Judge.*

County Court of Cook County. June Term, A. D. 1877.

Monday, June 18th, A. D. 1877—court being in session.
Present: Same as on the 11th instant.

164 In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent fifth installment of a special assessment levied and assessed by the South Park commissioners, corporate authorities of said towns, for park purposes on the real estate by them deemed benefited in said towns by reason of the location and improvement of a park in the towns of South Chicago, Hyde Park, and Lake, in said county of Cook and State of Illinois.

And now again comes the said Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by John M. Rountree, Esquire, his attorney, and on *the* his motion for cause shown it is ordered by the court that the hearing in the matter of said application be, and the same is hereby, continued to the ninth day of July, A. D. 1877, at 10 o'clock a. m.

Whereupon John P. Wilson, John Borden, and William Hopkins, attornies on behalf of the parties represented in court by them who have filed herein objections to the rendition of such judgment, except to said order of continuance.

M. R. M. WALLACE. *Co, Judge.*

Record of a list of the delinquent lands and lots in the towns of South Chicago, Hyde Park, and Lake, in the county of Cook and State of Illinois, on which remains due and unpaid the fifth installment of the special assessment levied and assessed by the South Park commissioners upon lands situated in said towns, and confirmed by the circuit court of Cook county, which said install-
165 ment became due and payable on the first day of September, A. D. 1876, and showing the names of the owners thereof so far as known, the proper description of the lands and lots as shown by said assessment, the valuation of each parcel of land or lot, the amount of the fifth installment of the said assessment levied and assessed against each parcel of land and lot, which said fifth installment of the said assessment so levied, assessed, and confirmed, with interest thereon, as shown in the proper column, Louis C. Huck, county treasurer and *ex officio* county collector of said county, has been unable to collect, and which said list is this day reported to the county clerk by said county collector and duly filed in his office:

166 Record of a list of lands, lots, and blocks in towns of South Chicago, Hyde Park, and Lake, in the county of Cook and State of Illinois, on which remains due and unpaid the fifth installment of a special assessment levied and assessed by the South Park commissioners, corporate authorities of said towns, for park purposes upon the real estate by them deemed benefited in said towns by reason of the location and improvements of a park in said towns, and confirmed by the order of the circuit court of Cook county, and showing the amount due and unpaid on each lot or parcel of land, with interest thereon from the second day of September, 1872, to the eleventh day of June, 1877, at the rate of seven per cent. per annum, the names of the owners or persons interested so far as known, and the total amount of principal, interest, and costs due respectively.

Names of owners and parties interested so far as known.	Description—part of lot, block, or section.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Valuation.	Fifth installment, due Sept. 1, 1876.	Interest, at 7 per cent. per annum, from Sept. 2, 1872, to June 11th, 1877.	Costs.	Total amount of judgment.	Remarks.
									Dollars.	*Dollars. Cents*	*Dollars. Cents*	*Dollars. Cents*	*Dollars. Cents*	
	Assessor's division of S. W. ¼ ---- Louis Heintz' sub-d'n of 24 ac. E. & adj. W. 10 ac. of N. ½ W. ½ S. W. ¼, being part of lot 17----------	4	38	14										
P. Caldwell ------	----------	----	----	----	12	2	17	----	350	97	32	40	1 69	A. Gage, 86.80.
" ----	----------	----	----	----	13	"	"	----	350	97	32	40	1 69	Do. 86.80.

167 STATE OF ILLINOIS, } ss:
County of Cook, }

Louis C. Huck, county treasurer and *ex officio* collector of Cook county, being first duly sworn, deposes and says that the foregoing is a true and correct record of the delinquent lands and lots in the towns of South Chicago, Hyde Park, and Lake, in the county of Cook and State of Illinois, on which remains due and unpaid the fifth installment of the special assessment levied and assessed by the South Park commissioners upon said lands situated in said towns, and confirmed by the circuit court of Cook county, which said installment became due and payable on the first day of September, A. D. 1876, and showing the names of the owners thereof so far as known, the proper description of the lands and lots as shown by said assessment, the valuation of each parcel of land and lot, the amount of the fifth installment of said assessment levied and assessed against each parcel of land or lot, which said fifth installment of said assessment so levied and confirmed, with interest thereon, as shown in the proper column, he, the said Louis C. Huck, county treasurer and *ex officio* county collector of said county, has been unable to collect, and that said fifth installment, with interest, printer's fees and other costs thereon, as shown in said list, now remains due and unpaid, as he verily believes, on each of said parcels of land and lots.

LOUIS C. HUCK,
County Treasurer and ex Officio Collector of Cook County, Illinois.

Subscribed and sworn to before me this 11 day of June, A. D. 1877.

HERMANN LIEB,
[SEAL.] *County Clerk.*

168 STATE OF ILLINOIS, } ss:
County of Cook, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the second Monday (being the ninth day) of July, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Independence of the United States of America the one hundred and second.

Present thereat: Honorable Martin R. M. Wallace, judge of the county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMANN LIEB,
Clerk of the County Court of Cook County.

Court opened by proclamation.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent fifth installment of a special assessment levied and assessed by the South Park commissioners, corporate authorities of said towns, for park purposes on the real estate by them deemed benefited in said towns by reason of the location and improvement of a park in the towns of South Chicago, Hyde Park, and Lake, in the said county of Cook and State of Illinois.

169 And now, to wit, on this the eighteenth day of July, A. D. 1877, the same being one of the days of the July term, 1877, of this court, — the said Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by James P. Root, Esquire, his attorney; also come the several parties owners of and interested in the several lands and lots in the foregoing list described (said list being contained in four volumes, numbered from thirty-seven (37) to forty (40), inclusive, and preceding this entry) who have heretofore severally filed objections herein to the rendition of judgment against the lands and lots in said list described in which they are interested respectively, and the application of the said Louis C. Huck, collector aforesaid, for judgment for the delinquent fifth installment of said special assessment coming on for hearing, and the court having considered the several objections aforesaid, and having heard the evidence adduced and the arguments of counsel, and having duly considered the same, being now fully advised in the premises, it is ordered by the court that all objections filed herein to the rendition of judgment against the special lands and lots in the foregoing list described — the description of which in said list the words "judgment refused" are written be, and the same are hereby, sustained, and judgment is hereby refused as to said several lands and lots; and on motion of said attorney it is ordered by the court that said collector have leave to withdraw his application for judgment as to the several lands and lots in the foregoing list described opposite the description of which in said list appear the words "application withdrawn."

And it is further ordered that all other objections filed herein to the rendition of judgment against the lands and lots in the foregoing list described be, and the same are hereby, overruled.

170 And whereas due notice has been given of the intended application for judgment against said lands and lots, and no sufficient defense having been made or cause shown why judgment should not be entered against the lands and lots in the foregoing list described for the fifth installment of the special assessment levied and assessed by the South Park commissioners and confirmed by the circuit court of Cook county, and for the interest, penalties, and costs for the year herein set forth—that is to say, the fifth installment of the said special assessment, which became due and payable on the first day of September, A. D. 1876, and interest, penalties, and costs due and unpaid thereon, except where judgment has been refused as aforesaid—therefore it is ordered by the court that judgment be,

and is hereby, entered against the aforesaid tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois, except where judgment has been refused as aforesaid or where this application has been withdrawn as aforesaid, for the sum annexed to the description of each, being the amount of the fifth installment of the said special assessment, interest, penalties, and costs due severally thereon and unpaid.

And it is ordered by the court that said several tracts or lots of land, or so much of each of them as shall be necessary to satisfy the amount of the said fifth installment of the said special assessment, interest, penalties, and costs annexed to them severaly, except where judgment has been refused or where this application has been withdrawn as aforesaid, *as* be sold — the law directs.

M. R. M. WALLACE, *Co. Judge.*

Names of owners, and parties interested so far as known.	Description—part of lot, block, or section.	Section.	Town.	Range.	Lot.	Blk.	Lot.	Block.	Acres.	Fifth installment, due Sept. 1, 1876.	Costs.	Interest, at the rate of 7 per cent. per annum, from Sept. 2, 1872, to date of judgement.	Total amount of judgement.	Remarks.	Part sold.	When sold—date.	Name of purchaser.	When redeemed—date.	By whom redeemed.	Amount deposited.	No. of redemption certificate—date.	No. of sale. †
										Dollars. *Cents.*	*Dollars.* *Cents.*	*Dollars.* *Cents.*	*Dollars.* *Cents.*							*Dollars.* *Cents.*		
	Assessor's division S. W. ¼ Louis Heintz' subd'n of 24 ac. E. and adj. E. 10 ac. of N. ½ N. ½ S. W. ¼, being part of.....	4	38	14																		
P. Caldwell		4	38	14	.....	.....	17	.....	.....	97	40	32	1 69	.....	.....	Aug. 16, 1877	A. Gage.	Deed issued..	} * {	.....	.....	8680
"					15	2	"	.....	.....	97	40	32	1 69	.....	.....	" " "	....do	Deed issued..	} * {	.....	.....	8681

* To Asahel Gage by E. F. C. Klokke, county clerk, June 30th, A. D. ——, No. K 1187.

† Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for fifth installment of South park assessment, and the sale is hereby cancelled and annulled.

Sale closed Oct. 31, 1877.

H. LIEB, *Clk.*

172 Sale closed Oct. 31st, 1877.

H. LIEB, *Clk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

County Court of Cook County. July Term, A. D. 1877.

FRIDAY, *July 13th, A. D.* 1877.

Court being in session.

Present thereat: Honorable Martin R. M. Wallace, judge of the county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMANN LIEB,
Clerk of the County Court of Cook County.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent fifth installment of a special assessment levied and assessed by the South Park commissioners, corporate authorities of said towns, for park purposes on the real estate by them deemed benefited in said towns by reason of the location and improvement of a park in the towns of South Chicago, Hyde Park, and Lake, in the said county of Cook and State of Illinois.

And now, to wit, on this eighteenth day of July, A. D. 1877, the same being one of the days of the July term, 1877, of this
173 court, again comes the said Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by James P. Root, Esquire, his attorney; also come the several parties owners of and interested in the several lands and lots in the foregoing list described (said list being contained in four volumes, numbered from twenty-four to twenty-seven, inclusive, and preceding this entry) who have heretofore severally filed objections herein to the rendition of judgment against the lands and lots in said list described in which they are interested respectively, and the application of the said Louis C. Huck, collector aforesaid, for judgment for the delinquent fifth installment of said special assessment coming on for hearing, and the court having considered the several objections *of* aforesaid, and having heard the evidence adduced and the arguments of counsel, and having duly considered the same, being now fully advised in the premises, it is ordered by the court that all objections filed herein to the rendition of judgment against the several lands and lots in the foregoing list described opposite the description of which in said list the words "judgment refused" are written be, and the same are hereby, sustained, and judgment is hereby refused as to said several lands and lots.

On motion of said attorney it is ordered by the court that said collector have leave to withdraw his application for judgment as to the several lands and lots in the foregoing list described opposite to the description of which in said list appear the words "application withdrawn."

And it is further ordered that all other objections filed herein to the rendition of judgment against the lands and lots in the foregoing list described be, and the same are hereby, overruled; and whereas due notice has been given of the intended application for judgment against said lands and lots, and no sufficient defense
174 having been made or cause shown why judgment should not be entered against the lands and lots in the foregoing list described for the fifth instalment of the special assessment levied and assessed by the South Park commissioners and levied and confirmed by the circuit court of Cook county, and for the interest, penalty, and costs for the year herein set forth—that is to say; *that* the fifth installment of the said special assessment, which became due and payable on the first day of September A. D. 1876, and interest, penalties, and costs due and unpaid thereon, except where judgment has been refused as aforesaid:

Therefore it is ordered by the court that judgment be, and is hereby, entered against the aforesaid tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois, except where judgment has been refused as aforesaid or where this application has been withdrawn as aforesaid, for the sum annexed to the description of each, being the amount of the fifth installment of the said special assessment, interest, penalties, and costs due severally thereon and unpaid.

And it is ordered by the court that said several tracts or lots of land, or so much of each of them as shall be necessary to satisfy the amount of the said fifth installment of the said special assessment, interest, penalties, and costs annexed to them severally, except where judgment has been refused or where this application has been withdrawn as aforesaid, be sold as the law directs.

M. R. M. WALLACE, *Co. Judge.*

175 STATE OF ILLINOIS, } *ss.:*
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of the county collector's published delinquent list for the fifth installment of the South park special assessment as published in the "Inter-Ocean" on the 18th day of May, A. D. 1877, with the certificate of the publisher of said newspaper thereto attached; also a true and correct copy of the judgment record for said 5th installment of South park assessment, with the final order of judgment and sale entered by the county court of Cook county, and also a true and correct copy of the receipt and record of sale for said tax, so far as the same relates to the property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this eighteenth day of April, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

176. *Notice of Sale for Tax.*

To the owners or parties interested in the following-described lands and lots and to the persons in whose names the same were taxed or specially assessed and to whom it may concern:

This is to notify you that at a sale of lands and lots held in the city of Chicago, county of Cook and State of Illinois, which said sale was commenced on the 23rd day of July, A. D. 1877, and was continued from day to day by adjournments duly announced as provided by law until the dates of the respective sales hereinafter mentioned, the same being reached in their regular order, the undersigned, Asahel Gage, purchased for taxes and special assessments authorized and levied or assessed in compliance with the laws of the State of Illinois for the 5th installment of the South park special assessment and taxed or specially assessed for the year 1876, levied and assessed by the South Park commissioners in the year 1872, the following-described lands and lots, situate in the county of Cook and State of Illinois, on the days hereinafter particularly stated, and said lands and lots were taxed in the names hereinafter set forth, and the time of redemption of each of said lands and lots from the sale thereof will expire in two years from the date of each respective sale, as stated below, to wit: On the 16th day of August, 1877, I purchased lots 12 and 13, in block 2, taxed in the names of P. Caldwell and Peter Caldwell, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north, of range 14 east, of the third principal meridian, and the time of redemption of said land or lots from said sale will expire on the 16th day of August, 1879.

Chicago, April 28th, 29th, and 30th, 1879.

ASAHEL GAGE.

177 This is to certify that the annexed notice was published in the Chicago Daily Evening Journal, a newspaper of general circulation printed and published in the city of Chicago, county of Cook and State of Illinois, three (3) times, being one (1) time a day for three (3) successive days, the date of the first paper containing the same being the 28th day of April, 1879, having been published and issued on that day, and the date of the last paper containing the same being the 30th day of April, 1879, being published and issued on that day, and that I have received 26.51 dollars for publishing the same.

Dated at Chicago, May 3rd, 1879.

HENRY W. FARRAR, *Publisher.*

Filed Feb'y 30, 1880.

E. F. C. KLOKKE,
County Clerk.

178 STATE OF ILLINOIS, } ss:
County of Cook, }

AUGUSTUS N. GAGE, of lawful age, being first duly sworn, doth depose and say that he resides in said county; that he is the agent and attorney of Asahel Gage, who purchased the land or lots described in the certificates of purchase hereto attached at the tax sale mentioned therein; that said certificates hereto attached are the identical certificates of purchase issued to said Asahel Gage at said tax sale, and that the said Asahel Gage is the legal holder thereof; that more than three months and less than five months before the time for redemption of the land described in the said annexed certificates from the sale set forth therein expired the said Asahel Gage published in the Chicago Daily Evening Journal, a newspaper of general circulation in said county and State, printed and published in the city of Chicago, in said county and State, a notice of the said purchase at said tax sale, which said notice was inserted and published in said newspaper three times, to wit, on the 28th and on the 29th and on the 30th days of April, A. D. 1879, the first insertion being not more than five months and the last time being not less than three months before the time of said redemption expired; and deponent further says that the printed slip filed with the county clerk of said county, being a copy of said notice cut from one of said newspapers, and the certificate of publication thereof as aforesaid by the publisher of said newspaper are filed as further evidence of said publication as aforesaid.

And this affiant further says that said Asahel Gage served or caused to be served written or printed or partly written and printed notices of purchase at said tax sale, as in other affidavits hereto attached more fully set forth, on every person in actual pos-
179 session or occupancy of such land or lots, and also the persons in whose names the same were taxed or specially assessed, if upon diligent inquiry they could be found in said county, and a reasonable notice was given to the owners or parties interested in said land or lots at least three months before the expiration of the time of redemption on such sale, and that said notices stated when he purchased the land or lots, in whose names taxed, the description of the land or lots he has purchased, for what year taxed or specially assessed, and when the time of redemption will expire.

And this affiant says that he has compared the affidavits hereto attached with the original memoranda of service of the respective parties making the same, and that the same are correct according to the original memoranda of service as aforesaid.

And this affiant says that the land or lots have not been redeemed from the force and effect of said sale within the time and in the manner prescribed by law, and the said Asahel Gage relies on the facts stated in this and other affidavits and the said certificates of purchase hereto annexed and the said publication notice and certificate thereof and compliance with the provisions of the constitution and laws of the State of Illinois in this behalf; and this affiant particularly says that all the conditions of section 216 of an act of the

Legislature of the State of Illinois entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30th, 1872, and in force July 1st, 1872, have been strictly complied with, and therefore says that the said Asahel Gage has caused a reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property described in the notice hereto attached for the taxes
180 or assessments therein described and when the time of redemption would expire, and has complied with all the provisions of the constitution and laws of the State of Illinois to entitle the said Asahel Gage to a deed or deeds of conveyance, and asks that a deed or deeds of conveyance vesting in said Asahel Gage the title to the land or lots described in the said annexed certificates of purchase may be issued as provided by law to said Asahel Gage.

AUGUSTUS N. GAGE.

Subscribed and sworn to this 24th day of June, 1880, before me—

[SEAL.] E. D. COOK,
Notary Public.

181 STATE OF ILLINOIS, } ss:
County of Cook, }

CHARLES P. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the day hereinafter mentioned, being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, served a notice of which the annexed notice, marked Exhibit A, is a true copy on Peter Caldwell and Ann Caldwell, his wife, by handing the same to and leaving the same with the said Ann Caldwell personally near to the premises described in said notice, in the town of Lake, in said Cook county, on the 5th day of December, A. D. 1878. Deponent is acquainted with the land or lots mentioned in said notice, and the persons so served were the only persons in actual possession or occupancy of said land or lots at least three months before the expiration of the time of redemption on the sale mentioned in said notice, to wit, on the 5th day of December, A. D. 1878.

And the said land or lots were taxed or specially assessed in the names of P. Caldwell — Peter Caldwell; and deponent served a notice of which the annexed notice is a true copy on said P. Caldwell by handing the same to and leaving the same with Ann Caldwell, the wife of said P. Caldwell, in the manner and form as above stated.

CHARLES P. WESTERFIELD.

Sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

STATE OF ILLINOIS, } ss:
County of Cook, }

182 ELI H. BUNKER, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the dates mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield, on the dates and at the several places as mentioned in the foregoing affidavit, serve the notice as above mentioned on the persons mentioned in the above affidavit; and this deponent further says that a copy of the annexed notice — served upon the said persons at the times, places, and in the manner and form as stated above.

ELI H. BUNKER.

Sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

183 STATE OF ILLINOIS, } ss:
County of Cook, }

CHARLES P. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the day hereinafter mentioned, being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, served a notice of which the annexed notice, marked Exhibit B, is a true copy on P. Caldwell and Peter Caldwell, the persons in whose names the lands or lots described in said notice *was* taxed or specially assessed, by handing the same to and leaving the same with Peter Caldwell personally near the premises described in said notice, in the town of Lake, in said county, on the 4th day of April, A. D. 1879.

CHARLES P. WESTERFIELD.

Sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

STATE OF ILLINOIS, } ss:
County of Cook, }

U. GEORGE TAYLOR, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the dates mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield, on the date and at the place as mentioned in the foregoing affidavit, serve the notice above mentioned on the person mentioned in the above affidavit; and this deponent further says that a copy of the annexed notice — served upon the said person at the time,
184 place, and in the manner and form as stated above.

U. GEORGE TAYLOR.

Sworn to this 15th day of July, A. D. 1879, before me—
[SEAL.] TAYLOR A. SNOW,
Notary Public.

To whom it may concern:

This is to certify that on the 16th day of August, 1877, I purchased the following-described real estate, situate in the county of Cook and State of Illinois, at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois, taxed in the name of P. Caldwell, to wit: Lots 11, 12, 13, and 14, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north, of range 14 east, of the third principal meridian, taxed or specially assessed for the year 1876 for the 5th installment of the South park special assessment, levied or assessed in the year 1872, and that the time of redemption thereof from said sale will expire on the 16th day of August, 1879.

ASAHEL GAGE.

Redemption may be made at the office of the county clerk.

185 Fifth installment South park assessment.

Certificate of Sale.

No. 8680. Volume 27, page 28.

STATE OF ILLINOIS, } ss:
Cook County, }

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis Huck, county treasurer and *ex officio* collector of the revenue of Cook county, for judgment for the delinquent fifth installment of the special assessment levied and assessed by the South Park commissioners upon the lands and lots situated in the towns of South Chicago, Hyde Park, and Lake, in the county of Cook and State of Illinois, and returned delinquent and unpaid by the board of South Park commissioners and the secretary of said board pursuant to law, a judgment was entered against the following-described lands for so much of the said special assessment as was found to be due thereon and interest and costs, being for the sum of one dollar and 69 cents, as follows, to wit:

Amount fifth installment	$ 97
Interest	32
Cost	40
Total	$1 69

And in and by said judgment it was ordered by said court that said lands or lots, or so much thereof as should be sufficient to satisfy the amount of said judgment, be sold as the law directs,

to wit: Sub-lot —, lot 12, block 2, in Louis Heintz's subd'n of 24 acr's E. & ad. W. 10 ac's N. ½ N. ½ S. W. ¼ sec. 4, 38, 14, being part of lot 17 in assessor's division of S. W. ¼ of section 4, town.
186 38, range 14 east, of the third principal meridian, situated in said Cook county.

And that in pursuance of the statute in such case made and provided process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 23d day of July, A. D. 1877, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that A. Gage became the purchaser of the whole of said lands or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any persons would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date hereof the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall, from and after the expiration of such one year, be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereunto subscribed my name and affixed the seal of said county court, at Chicago, in said county, this 16th day of August, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court.

187 Countersigned:
L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

Fifth installment South park assessment.

Certificate of Sale.

No. 8681. Volume 27, page 28.

STATE OF ILLINOIS, } ss:
Cook County, }

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis Huck, county treasurer and *ex officio* — of the revenue of Cook county, for judgment

for the delinquent fifth installment of the special assessment levied and assessed by the South Park commissioners upon the lands and lots situated in the towns of South Chicago, Hyd Park, and Lake, in the county of Cook and State of Illinois, and returned delinquent and unpaid by the board of South Park commissioners and the secretary of said board pursuant to law, a judgment was entered against the following-described lands or lots for so much of the special assessment as was found to be due thereon and interest and costs, being for the sum of one dollar and 69 cents, as follows, to wit:

Amount fifth installment	$ 97
Interest	32
Cost	40
Total	$1 69

And in and by said judgment it was ordered by said court that said lands or lots or so much thereof as should be sufficient
188 to satisfy the amount of said judgment be sold as the law directs, to wit:

Sub-lot —, lot 13, block 2, in Louis Heintz's subd. of 24 ac's E. and ad. W. 10 ac's N. ½ N. ½ S. W. ¼, sec. 4, 38, 14, being part of lot 17, in assessor's division of S. W. ¼ of section 4, town. 38, range 14 east, of the said principal meridian, situated in said Cook county.

And that, in pursuance of the statute in such cases made and provided, process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 22d day of July, A. D. 1877, open the sale upon said process, and, said sale being duly continued from day to day by adjournment duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that A. Gage became the purchaser of the whole of said lands or lots, and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date thereof, the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall from and after the expiration of such one year be absolutely null.

If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

189 In witness whereof I have hereunto subscribed my [SEAL.] name and affixed the seal of said county court, at Chicago, in said county, this 15th day of August, A. D. 1877.

HERMANN LEIB,
Clerk of the County Court.

Countersigned:
L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

(Endorsed:) No. K 1187. Fifth installment of South park assessment. Filed and deed issued to Asahel Gagé June 30th, A. D. 1880. E. F. C. Klokke, county clerk.

190 STATE OF ILLINOIS, } *ss:*
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of all notices, affidavits, and the certificates of sale upon which tax deed No. K 1187 was issued by the county clerk of Cook county to Asahel Gage, dated June 30th, A. D. 1880, so far as the same relates to the premises described in the foregoing copy, all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and [SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this 18th day of April, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

191 This indenture, made this 7th day of February, in the year of our Lord one thousand eight hundred and sixty-eight, between Louis Heintz and Johanna Heintz, his wife, of the city of Chicago, county of Cook and State of Illinois, party of the first part, and Peter Caldwell, of the same place, party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of three hundred dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and the said party of the second part forever released and discharged therefrom, have granted, bargained, sold, remised, released, conveyed, aliened, and confirmed, and by these presents does grant, bargain, sell, remise, release, convey, alien, and confirm, unto the said party of the second part and to his heirs and assigns forever all the following-described lot, piece, or parcel of land situate in the county of Cook and State of Illinois and known and described as follows, to wit:

Lot number eleven (11) and lot number twelve (12), in block number two (2), in Louis Heintz' subdivision of (24) twenty-four acres east and adjoining the west ten (10) acres of the north half ($\frac{1}{2}$) of the

north half (½) of the southwest quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the 3- principal meridian—

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim, or demand whatsoever of the said party of the first part, either in law or equity, of, in, and to the above-bargained premises, with the hereditaments and appurtenances; to have and to hold the said premises above bargained and described, with the appurtenances, unto
192 the said party of the second part, his heirs and assigns forever.

And the said Louis Heintz and Johanna Heintz, his wife, party of the first part, for his heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said party of the second part, his heirs and assigns, that at the time of the ensealing and delivery of these presents Louis Heintz and Johanna Heintz are well seized of the premises above conveyed as of a good, sure, perfect, absolute, and indefeasible estate of inheritance in law in fee simple and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, and incumbrances of what kind and nature soever, and the above-bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every other — or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will warrant and forever defend.

And the said Louis Heintz and Johanna Heintz, his wife, party of the first part, hereby expressly waive and release any and all right, benefit, privilege, advantage, and exemption under or by virtue of any and all statutes of the State of Illinois providing for the exemption of homesteads from sale on execution or otherwise, and especially under the act entitled "An act to exempt homesteads from sale on execution," passed by the General Assembly of the State of Illinois A. D. 1851 and approved February 11, A. D. 1851, and an act entitled "An act to amend an act entitled 'An act to exempt homesteads from sale on execution,'" passed by said Assembly A. D. 1857 and approved February 17, A. D. 1857.

In witness whereof the said party of the first part have
193 hereunto set their hand- and seal- the day and year first above written.

LOUIS HEINTZ. [SEAL.]
JOHANNE HEINTZ. [SEAL.]

Signed, sealed, and delivered in presence of—

—— ——.

STATE OF ILLINOIS, } ss:
Cook County, }

I, Alvin Salisbury, notary public in and for the town West Chicago, in and for said county, in the State aforesaid, do hereby certify that Louis Heintz and Johanna Heintz, his wife, personally known to me to be the same persons whose names are subscribed to the foregoing warranty deed, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument of writing as their free and voluntary act for the uses and purposes therein set forth.

And the said Johanna Heintz, wife of the said Louis Heintz, having been by me examined separate and apart and out of the hearing of her husband, and the contents and meaning of the said deed having been by me made known and fully explained to her, acknowledged that she had freely and voluntarily executed the same and relinquished her dower and all right, title, and interest to the lands and tenements therein mentioned, and expressly waived and released all right, claim, benefit, privilege, advantage, and exemption under any and all homestead exemption laws, so called, without the compulsion of her said husband, and that she does not wish to retract the same.

Given under my hand and notarial seal this 7th day of February, in the year of our Lord one thousand eight hundred and sixty-eight.

[Seal Alvin Salisbury, Town of West Chicago, Illinois, Notary Public.]

ALVIN SALISBURY,
Notary Public.

194 (Endorsed.)

[50 cts. U. S. rev. stamp, duly canceled.]

STATE OF ILLINOIS, }
Cook County. }

No. 158,845.

This instrument was filed for record on the 12 day of February, A. D. 1868, at the hour of — o'clock — m., and duly recorded in Book 430 of Deeds, at page 291.

WM. L. CHURCH,
Clerk of Circuit Court and ex Officio Recorder.

No. 208,182.

Re-recorded Jan. 21, 1879, at 10 a. m.
JAS. W. BROCKWAY, *Recorder.*

195 *Warranty Deed.*

This indenture, made this 27th day of April, in the year of our Lord one thousand eight hundred and sixty-eight, between Louis Heintz and Johanne Heintz, his wife, of the city of Chicago, county of Cook and State of Illinois, party of the first part; Peter Caldwell, of the same place, party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of two hundred and eighty-five dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and the said party of the second part forever released and discharged therefrom, have granted, bargained, sold, remised, released, conveyed, aliened, and confirmed, and by these presents do grant, bargain, sell, remise, release, convey, alien, and confirm, unto the said party of the second part and to his heirs and assigns forever all the following-described lot, piece, or parcel of land situate in the county of Cook and State of Illinois and known and described as follows, to wit: Lot number thirteen (13) and lot number fourteen (14), in block number two (2), in Louis Heintz' subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section number four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian; together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim, or demand whatsoever of the said party of the first part, either in law or
196 equity, of, in, and to the above-bargained premises, with the hereditaments and appurtenances; to have and to hold the said premises above granted and described, with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

And the said Louis Heintz and Johanne Heintz, his wife, party of the first part, for his heirs, executors, and administrators, does covenant, grant, bargain, and agree to and with the said party of the second part, his heirs and assigns, that at the time of the ensealing and delivering of these presents that they are well seized of the premises above conveyed as of a good, sure, perfect, absolute, and indefeasible estate of inheritance in law in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, and incumbrances of what kind and nature soever, and the above-bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every other person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will warrant and forever defend.

And the said Louis Heintz and Johanne Heintz, his wife, party of the first part, hereby expressly waive — release any and all right, benefit, privilege, advantage, and exemption under or by virtue of any and all statutes of the State of Illinois providing for the exemption of homesteads from sale on execution or otherwise, and especially under the act entitled "An act to exempt homesteads from sale on execution," passed by the General Assembly of the State of Illinois A. D. 1851 and approved February 11, A. D. 1851, and
197 an act entitled "An act to amend an act entitled 'An act

to exempt homesteads from sale on execution,'" passed by said assembly A. D. 1857 and approved February 17, A. D. 1857.

In witness whereof the said party of the first part have hereunto set their hands and seals the day and year first above written.

LOUIS HEINTZ. [SEAL.]
JOHANNE HEINTZ. [SEAL.]

Signed, sealed, and delivered in presence of—

— —.

[Fifty cents U. S. rev. stamp, duly cancelled.]

STATE OF ILLINOIS, } ss:
Cook County, }

I, Alvin Salisbury, justice of the peace in and for said county, in the State aforesaid, do hereby certify that Louis Heintz and Johanne Heintz, his wife, personally known to me to be the same persons whose names are subscribed to the foregoing warranty deed, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument of writing as their free and voluntary act for the uses and purposes therein set forth.

And the said Johanne Heintz, wife of the said Louis Heintz, having been by me examined separate and apart and out of the hearing of her husband, and the contents and meaning of the said instrument of writing having been by me fully made known and explained to her, and she also by me being fully informed of her rights under the homestead laws of this State, acknowledged that she had freely and voluntarily executed the same and relinquished her dower to the lands and tenements therein mentioned, and also all her rights and advantages under and by virtue of all laws of this State relating to the exemption of homesteads, without compulsion of her said husband, and that she does not wish to
198 retract the same.

Given under my hand and seal this 27th day of April, A. D. 1868.

ALVIN SALISBURY, [SEAL.]
Justice of the Peace.

(Endorsed.)

STATE OF ILLINOIS, } ss:
Cook County, }

This instrument was filed for record on the 28th day of April, A. D. 1868, at the hour of — o'clock, and duly recorded in Book 455 of Deeds, at page 131.

WM. L. CHURCH,
Clerk of Circuit Court and ex Officio Recorder.

No. 208,185.

STATE OF ILLINOIS, } ss:
Cook County, }

Recorded Jan. 21, 1879, 10 o'clock a. m., Book 839 of Records, page 492.

JAS. W. BROCKWAY, *Recorder.*

199 EXHIBIT 7.

VINELAND, N. J., *March* 27, 1883.

Levi Sprague, Esq., rooms 41 & 42, La Salle St., Chicago, Ill.:

DEAR SIR: Yours of the 24th inst. is received in relation to John H. Bani in connection with lots 12 & 13, in block 2, in Louis Heintze's sub. in 4, 38, 14.

I cannot give the Q. C. deed, as you suggest, for the reason that, all the requirements of the law having been strictly complied with, my title under the tax deed is good. Therefore I do not want to sell unless I get the value of the property.

My present price is two thousand dollars, $2,000.

Respectfully yours, ASAHEL GAGE.

EXHIBIT 8.

In the Circuit Court of the United States for the Northern District of Illinois. In Chancery.

JOHN H. BANI, Complainant,
vs.
ASAHEL GAGE, Defendant. } Bill.

COOK COUNTY, *ss:*

John H. Bani, being duly sworn, on his oath saith that he is the complainant in the above-entitled cause; and affiant further — that the original deeds relating to and which constitute the claim of title to the lands and premises in controversy in this suit from and including the deed patent in October, 1839, to the conveyance dated February 7th, 1868, and April 27, 1868, by Louis Heintze to
200 Peter Caldwell are not within the power of this affiant to produce the same, and that, as this affiant is informed and believes, the record thereof were destroyed by the great fire of October 9th, 1871, in the city of Chicago, county of Cook, and State of Illinois, and that this affiant has procured an abstract of the title to the premises in controversy, made in the ordinary course of business prior to such fire, showing the title to said premises to the date of said conveyance to the said Peter Caldwell, and that this affiant has had said abstract of title examined by his solicitor in this case, Levi Sprague, and is informed by his said solicitor that said abstract shows a complete chain of title from the Government of the United States in Oct. 1839, down to and including the title of said Peter Caldwell, and that this affiant purchased said premises from the said Peter Caldwelll and Ann Caldwell, his wife, as stated in his said bill of complaint.

And further affiant saith not.

JOHN H. BANI.

Subscribed and sworn to before me this 16th day of October, A. D. 1884.

H. W. BISHOP,
Master, &c.

15—172

201 Examination of title to the north half of the north half of the southwest quarter of section 4, town. 38 N., R. 14 E., 3rd P. M., except the east (6) acres thereof, and being also described as the west 34 acres of lot 17 in the assessor's division of said southwest quarter of section 4.

Receiver to Ludlow F. Lewis. } 1.

Receipt No. 2600, dated Aug. 3, 1836, not recorded, acknowledged the receipt of $200.00 in full for the S. W. ¼ of section 4, T. 38 N., R. 14 E., of 3rd P. M., containing 160 acres.

United States to Peter Bolles. } 2.

Patent deed Oct. 30, 1839, and not recorded in the recorder's office of Cook county, Illinois, grants the same land.

3.

In the County Court of Cook County, Illinois.

In the Matter of the — of PETER BOLLES, Deceased. Case D 2, box 669.

Letters of administration on the estate of said deceased granted and issued to Nathan H. Bolles Sept. 1st, 1840, and bond filed the same day, from which it appears that Peter Bolles, late of Cook county, Illinois, died intestate in the year 1839.

Appraisement bill of personal estate filed Nov. 30, 1840; sales bill of personal estate March 29, 1841.

Inventory of real estate filed Nov. 30, 1840, mentions and describes real estate in Cook county and other counties, but does not describe or mention the S. W. ¼ of sec. 4, T. 38 N., R. 14 E.

202 Account of sales of real estate belonging to the estate of Peter Bolles July 28, 1842, filed Aug. 20, 1847, shows sales of S. W. ¼ sec. 4 aforesaid to W. S. Bolles for $22.00, account current showing receipts $35,342.32 and disbursements $34,890.00, filed Aug. 20, 1847.

4.

In the Circuit Court of Cook County, Ill. In Chancery.

In the Matter of Application of NATHAN H. BOLLES, administrator of Peter Bolles, deceased, to sell real estate. Case No. 1449.

Papers in case not on file.

June 2nd, 1841 (Record F, page 18), order that Harvey George Hubbard be appointed guardian *ad libitum* of the infant heirs of Peter Bolles, deceased. June 5th, 1841 (same record, page 58), order

that cause be continued until the next special chancery term of this court, and that publication of notice of the pendency of this suit be made, as required by law. June 10, 1841 (same record, page 91), order reciting that application was this day made by said administrator for sale of real estate and proofs exhibited, and thereupon cause continued until the next term. Oct. 16, 1841 (same record, page 181), on reading the petition on file in the matter, praying an order of the court to authorize the administrator to sell the real estate described and set forth in his said petition, of which the said Peter Bolles died seized, and on reading and filing the certificate of publication on file in this cause, from which it appears that due service of publication of this application has been made by publication in a newspaper printed in the county of Cook, together with the abstract of the proceedings before the probate justice of the county of Cook filed in this cause and from exhibits of the title of and to said lands; that an inventory, appraisement bill, and sale bill
203 had been filed, and that the proceeds of the personal property of the estate of said Bolles, deceased, has been applied to pay the debts of the same, and that there is now no personal property belonging to said estate, and that the credits of said estate are insufficient to satisfy the demands against said estate.

It is therefore ordered and decreed that the said administrator sell at public auction, according to the provisions of the statute, all of the said property mentioned in said petition, or so much thereof as will be sufficient to satisfy said demands. April 9, 1845 (Record G, p. 379), administrator's report of sale of real estate filed and approved and the same confirmed.

5.

In the Circuit Court of Cook County, Ill.

In the Matter of the Application of HARRIET ELIZABETH BOLLES, widow of Peter Bolles, deceased. No. 2823 (old series).

Petition filed June 4, 1841, representing, among others, that Peter Bolles died on or about Aug. 19, 1839; that the said Peter Bowles was seized of an estate inheritance and possessed an equitable interest of and in the lands described in the list or schedule hereunto annexed; that the said Peter Bolles died intestate, having one child, Harriet Elizabeth Bolles, Jr., and being the only and sole heir-at-law of the said Peter Bolles; that said Harriet Elizabeth Bolles, Jr., is an infant within the age of 21 years, and prays that her dower in said lands may be allowed and assigned, and that a guardian *ad libitum* may be appointed to represent the said Harriet Elizabeth Bolles. In the list of real estate annexed to said petition lands in Cook county and other counties are described, but the S. W. ¼ of sec. 4, T. 38 N., R. 14, is not described. July 10, 1841 (Record T, p. 86), ordered that the following order in cause, *be* omitted to be entered at the last term of this court, be now entered of that term, to wit:

204 Ordered, That Harvey George Hubbard be appointed

guardian *ad libitum* for said infant heiress; and, further, that publication of notice of the pendency of this matter be continued until next special term of this court.

And this matter coming on to be heard, and it appearing that due publication of a notice of the pendency of this matter has been had and no one appearing to oppose, it is therefore ordered and decreed that the dower of said widow of, in, and to the premises described in the petitition, and of which said widow appears to be dowerable by law, be assigned to her, and that commissioners (naming them) be appointed to make such assignment, and that they proceed to make the assignment aforesaid of the said lands described in the said petition.

Commissioners' report filed Oct. 14, 1841, whereby said commissioners admeasure, allot, and set off to Harriet Elizabeth Bolles one-third of the premises described in said order of said court as follows, to wit: Described certain of the lands mentioned in said order; also the S. W. ¼ sec. 4, T. 38 N., R. 14.

Oct. 14, 1841 (Record F, page 167), order that said commissioners' report be accepted.

Oct. 16, 1841 (same record, page 175), ordered that the report hereto filed be confirmed and the matters and things therein ratified.

Nathan Bolles, administrator of Peter Bolles, deceased,
to
William B. Bolles. } 6.

Deed dated July 28, 1842, and recorded May 21, 1843, in Book 9, page 97, sets forth that said Nathan H. Bolles, administrator as aforesaid, presented his petition to the circuit court of Cook county for the sale of the real estate of said estate of said deceased for the payment of his debts; and thereupon, on Oct. 18, 1841, an order
205 was granted by said court, and which order is set forth at length; that in pursuance of said order said administrator, after having duly advertised the premises hereinafter described for public sale, did, on July 28th, 1842, sell the said premises, and the same was bid off by the said party of the second part for $377.00, that being the highest and best bid.

Thereupon, in consideration of the premises, &c., conveys the S. W. ¼ of section 4, T. 38 N., R. 14 E., in the district of lands subject to sale at Chicago, Illinois, subject to the right of dower of Harriet Elizabeth Bolles, widow of said Peter Bolles, deceased, which has been assigned to her, the said premises being part and parcel of the land whereby the said Peter Bolles died seized subject to be sold under and by virtue of the aforesaid order; conveys also other property.

Harriet Elizabeth Bolles, widow of Peter Boles,
to
Nathan B. Bolles. } 7.

Deed dated Jan. 19, 1844, and recorded June 26, 1845, in Book 16,

page 142, consd. $10.00, grants, bargains, sells, &c., unto the said party of the second part and to his heirs and assigns for and during the natural life of her, the said party of the first part, all the following-described pieces or parcels of land situate in the State of Illinois, assigned and set apart to her, the said party of the first part, as and for her dower in the real estate situate within the jurisdiction of the circuit court of Cook county, in said State, of which her late husband, Peter Bolles, died seized, to wit, the S. W. ¼ of sec. 4, T. 38 N., of R. 14 E., of 3rd P. M., and other property.

Nathan H. Bolles and Sarah K., his wife,
to
William B. Bolles. } 8.

Deed dated June 25, 1845, and recorded Sept. 3, 1845, in
206 Book 17, p 45, consd. $3,800.00, grants, bargains, sells, &c., for and during the natural life of Harriet Elizabeth, late widow of Peter Bolles, deceased, and she, the said Harriet Elizabeth, now being the wife of Washington Wyche, of city of New York, the S. W. ¼ of sec. 4 aforesaid and other property.

Harriet E. Halsey, formerly Harriet E. Bolles, only heir and representative of Peter Bolles, deceased, and John J. Halsey, her husband,
to
William B. Bolles. } 9.

[Stamp, $1.00.]

Quitclaim deed dated Jan. 1st, 1864, and recorded January 20th, 1864, in Book 270, page 430; consdr., $1.00; conveys block 127, in the School Section Addition to Chicago, and also the real estate formerly belonging to Peter Bolles (now deceased) in the State of Illinois and which may have been sold and conveyed by Nathan H. Bolles (now deceased), as administrator of Peter Bolles, whether situated in the counties of Cook, La Salle, Kendall, Du Page, or elsewhere, including any real estate which may have been omitted in this inventory of Nathan H. Bolles, the administrator of said Peter Bolles, in the petition of the circuit court of Cook county Illinois, for the sale of real estate of said deceased.

Harriet E. Halsey, formerly Harriet E. Bolles, only heir and representative of Peter Bolles, deceased, and John J. Halsey, her husband,
to
William B. Bolles. } 10.

[$1.00 stamp.]

Deed dated Jan. 1, 1864, and recorded January 4, 1864, in Book 282, p. 395; apparently a re-record of the deed last shown, but having a certificate of magistracy and conformity attached to the certificate of acknowledgment, which is by a notary public;
207 venue, State, city, and county of New York.

William B. Bolles
to
Charles V. Dyer. } 11.

Warranty deed dated Nov. 13, 1847, and recorded Dec. 18, 1847, in Book 26, p. 73; consdr., $1.200.00; conveys the S. W. ¼ of sec. 4, T. 38 N., R. 14 E., of 3rd P. M.

Charles V. Dyer and Louisa Mariah, his wife,
to
Timothy G. Hadley. } 12.

Warranty deed dated Dec. 14, 1847, and recorded Jan. 28, 1850, in Book 33, p. 349; consdr., $280.00; conveys a portion of the southwest quarter of section 4, T. 38 N., R. 14 E., of 3rd P. M., beginning at the northeast corner of said quarter section, running thence south 40 rods, thence west 160 rods, thence north 40 rods, thence east 160 rods to the place of beginning, containing 40 acres of land, more or less, said land being the north fourth of said quarter section and no more; certificate of ackn't by a notary public, Cook Co., Ills.; not signed.

Charles V. Dyer and Louisa Mariah, his wife,
to
Timothy G. Hadley. } 13.

Warranty deed dated Dec. 14, 1847, and recorded Feb. 12, 1850, in Book 34, p. 561; consdr., $280.00; conveys the premises last described; certificate of ackn. in due form.

Timothy G. Dadley
to
Marshal L. Hadley. } 14.

Mortgage, without power of sale, dated Nov. 30, 1848, and recorded Dec. 2, 1848, in Book 6 of Mortgages, page 501, to secure certain
208 promissory notes for $1,000.00, pay. in one year from date, with interest at 6 per cent.; conveys the premises last described, also 35 feet off the south end of lot 1, in block 14, in Kinzie Addition to Chicago.

15.

On margin of record of the foregoing mortgage is a partial release of the same by E. R. Kimberly, attorney-in-fact for Marshall L. Hadley, dated March 31, 1849, whereby is acknowledged full satisfaction of so much of said mortgage as belongs to the lands therein described as belonging to Kinzie Addition to Chicago.

Marshall L. Hadley
to
Edmund L. Kimberly. } 16.

Power of attorney dated March 23, 1849, and recorded March 30, 1849, in Book 7 of Mortgages, page 150; constitutes, appoints, said

Kimberly his attorney to cancel and discharge a certain mortgage executed to him by Timothy G. Hadley on the 30th day of November, A. D. 1848, and recorded on the 2d day of December, A. D. 1848, or any part therof; not witnessed; certif. of acknowledgment by a notary public, Oakland Co., which is not attested and has no seal attached; no certificate of magistracy.

Timothy G. Hadley and Mary A., his wife, to John Axford. } 17.

Mortgage dated Jan. 21, 1850, and recorded Jan. 28, 1850, in Book 8 of Mortgages, page 157, to secure payment of $570.00; conveys the premises last described.

John L. Axford to Marshal L. Hadley. } 18.

Assignment dated June 15, 1852, and recorded Sept. 20, 1855, in Book 21 of Mortgages, page 593; consdr., $200.00; sells, assigns, and transfers all right, title, and interest in and to the fore-
209 going mortgage and the debt thereby secured (witnessed); certif. of ackn't by a notary public, Oakland Co., Michigan; does not state that party of first part was formerly known to said officer; is not attested and has no seal attached; no certif. of magistracy.

On margin of record of the mortgage last shown recorded in Book 38 of Mortgages, page 157, is—

19.

STATE OF ILLINOIS, *Cook County.* }

For and in consideration of the payment in full of the annexed mortgage to my full satisfaction, and the annexed mortgage having on the 20th Sept., 1855, *being* assigned to me, I do hereby release and discharge the same forever of record.

Witness my hand and seal this 20th day of Sept., A. D. 1855.

"M. H. HADLEY."

Witness:

"C. M. THIRLCKE."

Timothy G. Hadley and Mary A., his wife, to M. L. Hadley. } 20.

Mortgage dated June 22, 1852, and recorded June 22, 1852, in Book of Mort's, p. 526, to secure payment of $1,000.00; conveys a portion of southwest quarter of section 4, T. 38 N., R. 14 E., of 3rd P. M., beginning at the northeast corner of said quarter section, running thence south 40 rods, thence west 160 rods, thence north 40 rods, thence east 160 rods to the place of beginning, containing 40

acres, more or less, said land being the north fourth of said quarter section and no more.

On margin of record of the mortgage last shown is—

21.

"I do hereby acknowledge satisfaction in full for the annexed mortgage, and do hereby release the property therein named from all incumbrances whatsoever.

"Chicago, December 29th, 1857.

"MARSH L. HADLEY."

"Witness:

"C. J. STOLBRAND."

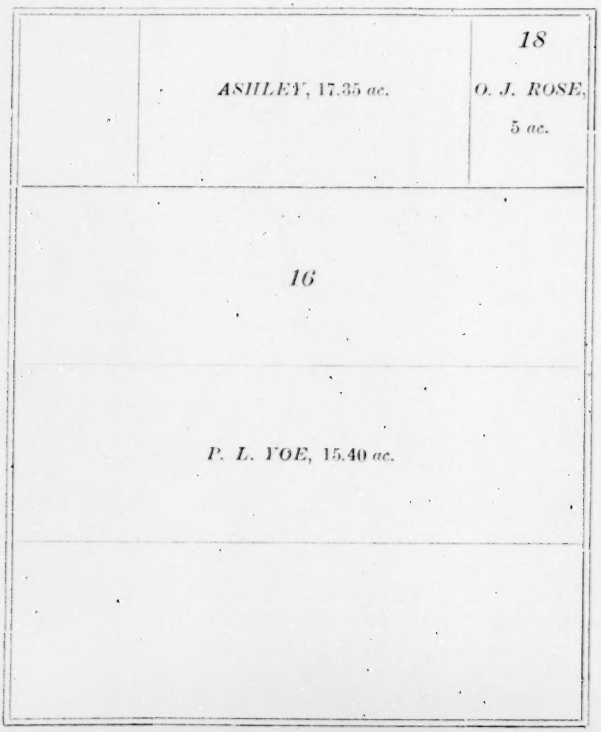
Not under seal.

210 22.

Subdivision by Corrydon F. Stewart, Assessor of the Town of Lake.

Map acknowledged Dec. 9, 1856, and recorded May 13, 1857, in Book 133 of Maps, p. 35, entitled S. W. ¼, town. 38 north, range 14 E.; shows subdivision of the S. W. ¼ of section 4 aforesaid into lots. Said map — as follows:

23.



Timothy L. Hadley
to
Louis Heintz. } 24.

[Stamp, $0.25.]

Bond for deed dated Aug. 3, 1865, and recorded Aug. 4, 1865, in Book —, page —, doc. No. 99340, in the penal sum of $8,000, conditioned for the conveyance to said Heintz of the northwest ten acres of the north half of the north half of the southwest quarter of section 4, T. 38 N., of R. 14 E., of the 3rd P. M., on payment of $4,000—$1,000.00 cash, one note for $1,500.00, due in one year from date, and one note for $1,500.00, due in two years from date, with interest at the rate of ten per cent. annually.

211 (No examination made for judgment against Louis Heintz by direction.)

We also find the following:

John Hastings, H. F. Sheffer, and J. D. Wright, the board of commissioners of highways of the town of Lake, Cook Co., Ill.,
to
The Pittsburgh, Fort Wayne and Chicago R. R. Company. } 25.

Quitclaim deed dated May 17, 1858, and recorded April 30, 1860, in Book 193, p. 6172. Said commissioners, by virtue of the power and authority in them vested, grant, convey, and quitclaim the use for the railroad of said party of second part of the right of way over, across, and along the street running north and south through the centre of sections 4, 9, and 16, in town. 38 N., of R. 14 E., of 3rd P. M., said railroad company being authorized and allowed to lay its tracks, side tracks, switches, and turnouts in and along said street, avenue, or highway, and to operate, maintain, and run its locomotives and cars over the same.

Certf. of ackn'm't as to Hastings and Shaffer dated May 15, 1858.

William T. L. Lavinier, Henry C. Miller, and many others, parties of the first part,
and
The Pittsburgh, Fort Wayne and Chicago Railroad Co., of the second part. } 26.

Deed dated —— 23, 1858, and recorded April 30, 1860, in Book 193, p. 606, of the right of way for the railroad for party of second part, 4 roads in width, over, across, and along a strip of land running north and south through the centre of sections 4, 9, and 16, in T. 38 N., of R. 14 E., of 3rd P. M. (See record.)

212 *Tax Sales.*

Sale June 14, 1853, State and county taxes of 1852, of 35½ A., S. W. ¼ sec. 4, 38, 14, to F. L. Baker, $5.85.

One acre redeemed by Mary James June 14, 1854.

Sale Aug. 22nd, 1864, State and county taxes 1863, of 34 acres, lot 17, subd. of S. W. ¼ sec. 4, 38, 14, to A. F. C. Muller for $25.00.

Redeemed by Louis Heintz Dec. 4, 1865; No. 2, 50, 17.

We have made examination and find no conveyances of the premises described in the caption hereto by the parties named as grantors or grantees herein recorded in the recorder's office of Cook county, Ill., prior to the date of record of the deeds as by them respectively herein set forth; no judgment against said parties in the several courts of record in Chicago, Cook Co., which we deem liens on said premises, no examination having been made for judgments against Louis Heintz by direction, and no tax sales of same except those shown standing on record; not marked cancelled or redeemed.

Chicago, Aug. 19, 1865.

(Signed) SHORTALL & HOARD.

A true copy.

OTTO PELTZER & CO.

213 Examination of title to the north half of the north half of the southwest quarter of sec. 4, T. 38 N., R. 14 E., 3rd P. M., except the E. 6 acres thereof, and also being described as the west 34 acres of lot 17, in the assessor's division of said southwest quarter of sec. 4.

Last examination by us dated Aug. 19, 1865.

Timothy G. Hadley, widower, of Galesburg, Illinois, to Louis Heintz. } 27.

[Stamp, $4.00.]

Warranty deed dated Nov. 24 and recorded Nov. 28, 1865, Book 329, page 182; consdr., $4,000.00; conveys the west ten acres off of the north half of the southwest quarter of sec. 4, T. 38 N., R. 14 E., of 3rd P. M.; no conveyance of seizure.

Marshal L. Hadley to Louis Heintz. } 28.

[Stamp, $1.00.]

Release deed dated Nov. 30, 1865, and recorded Dec. 16, 1865, in Book 324, p. 409; consdr., $1.00; conveys all right, title, and interest by a certain mortgage deed dated Nov. 30, 1848, and recorded, etc., in Book 6, p. 501, to the premises therein described, and a certain other mortgage deed dated June 22d, 1852, and recorded, &c., in Book 12 of Mortgages, page 536, to the premises therein described, as follows, to wit: That portion of the southwest quarter of sec. 4, T. 38 N., R. 14 E., of 3rd P. M., bounded as follows: Beginning at the northeast corner of said quarter sec., running thence south 40 rods; thence west 160 rods; thence north 40 rods; thence east 160 rods to the place of beginning, containing 40 acres,
214 being the north fourth of said quarter section.

Louis Heintz
with
Ashbury F. Faucett. } 29.

[Stamp, 15 cts.]

Agreement dated Nov. 24, 1865, and recorded Nov. 24, 1865, in Book 325, p. 263, for the conveyance of the land described in No. 27, *ante*, upon the payment of $11,000 as follows: $5,000.00 cash, receipt acknowledged; $6,000.00 as soon as party of first part shall have obtained a release of the mortgage given by Timothy G. Hadley to Marshall L. Hadley for $1,000.00, dated Nov. 30, 1848, and also a release of one for a like sum between the same parties, dated June 22, 1852, and numbered as 14 and 20 respectively in the abstract of said premises, and shall also have had the tax certificate shown by said abstract for the sale of Aug. 22, 1864, duly canceled; acknowledged.

Louis Heintz
to
Ashbury F. Fausett. } 30.

Warranty deed dated Dec. 5, 1865, and recorded Dec. 16, 1865, in Book 324, page 417; considr., $11,000; conveys the west 10 acres of lot 17 of the southwest quarter of sec. 4, T. 38 N., R. 14 E., of 3rd P. M., according to Corrydon T. Stewart's subdivision of the same; homestead rights waived.

Timothy G. Hadley
with
Louis Heintz. } 31.

Agreement dated Nov. 29, 1865, and recorded Nov. 30, 1865, in Book 315, p. 517; Hadley agrees to sell to Heintz all his right, title, and interest in and to the north half of the north half of the southwest quarter of sec. 4, T. 38 N., R. 14 E., of 3rd P. M., except 6 acres off the east side and ten acres off the west side of said land, hereby intending to contract for 24 acres, more or less,
215 and Heintz agrees to pay Hadley for the same $13,800.00, as follows: $4,600.00 on or before 90 days from date; $4,600.00 on or before 1 year from date; $4,600.00 on or before 2 years from date, with annual interest at 10 per cent., and all taxes — assessments, and, upon the performances of the covenants and agreements contained; Hadley to execute to Heintz a deed with covenants of warranty except as to all taxes; not acknowledged.

We have made examination and find no conveyances of the north $\frac{1}{2}$ of the north half, $\frac{1}{2}$, of the S. W. $\frac{1}{4}$ of sec. 4, T. 38 N., R. 14 E., of 3rd P. M., except the east 6 acres thereof by the parties named as grantors or grantees herein recorded in the recorder's office of Cook Co., Ill., since Aug. 19, 1865, except those shown; no judgments against Timothy G. Hadley since said date, nor against Louis Heintz or Ashbury F. Fausett prior to this date in the several

courts of record in Chicago which we deem liens on said premises, and no tax sales of same since said date standing on record.

Chicago, Dec. 18th, 1865.

(Signed) SHORTALL & HOARD.

A true copy.

OTTO PELTZER & CO.

216 Examination of title to 24 acres east and adjoining the west 10 acres of the N. ½ of N. ½ of S. W. ¼ of sec. 4, T. 38 N., R. 14 E., of 3rd P. M.; also known as 24 acres east and adjoining the west 10 acres of lot 17, in assessor's division of said S. W. ¼ of section 4 aforesaid.

Last examination by Shortall & Hoard, dated Dec. 18, 1865.

By direction we do not show herein conveyances of lots or blocks of Louis Heintz' subdivision, shown as No. 2, *post*.

Timothy G. Hadley and Emily A., his wife, of Galesburg, Knox Co., Ill., to Louis Heintz. } 1.

Warranty deed dated March 19, 1866, and recorded March 20, 1866, in Book 335, page 431; considr., $13,800.00; convey the north half of the S. W. ¼ of sec. 4, T. 38 N., R. 14 E., of 3rd P. M., except 6 acres off the east side and 10 acres off the west side of said land, hereby intending to convey 24 acres, more or less; homestead rights waived; acknowledged March 19, 1866, before a notary public, town of West Chicago. $4.00 stamp.

2. Subdivision by Louis Heintz.

Map surveyor's certificate dated Fe'y 20, 1866, and recorded February 23, 1866, in Book 163, page 106, entitled Louis Heintz' subdivision of 24 acres E. and adjn. the W. 10 acres of N. ½ of N. ½ of S. W. ¼ of sec. 4, 38, 14, showing a subdivision of said tract into 6 blocks, blocks 1, 2, 5, and 6 having 36 lots each, 25 by 126.5
217 feet to a 14-foot alley; blocks 3 & 4 divided into 40 lots each, all 25 by 126.5 feet deep to a 14-foot alley, except lots 20 and 21 therein, which measure 21 ft. by 126.5 feet; acknowledged Feb'y 23, 1866, before a justice of the peace in and for Cook county, Illinois.

We have made examinations and find no conveyance of the premises described in the caption hereto by the parties named as grantors or grantees herein recorded in the recorder's office of Cook county, Ill., since May 17, 1866, and prior to this date, except as shown; no judgments against Louis Heintz since May 17, 1866, and prior to this date, in the several courts of record in said county which we deem liens on said land, and no tax sales of said premises since May 17, 1866, and prior to this date, standing on record.

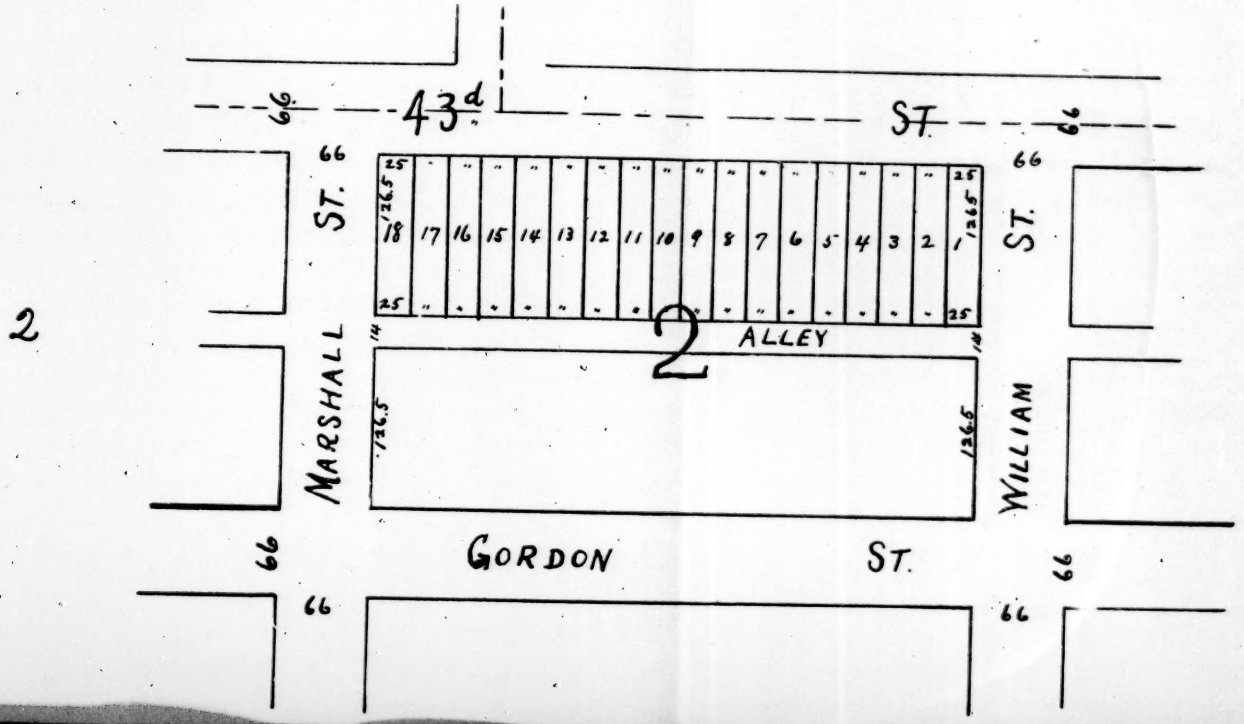
Chicago, April 26, 1869.

(Signed) WILMANNS & PASDELOUP.

A true copy.

OTTO PELTZER & CO.

The following diagram shows location and dimensions of the premises in question, as represented on said Map.



218 Examination of title to lots 12 and 13, in block 2, in Louis Heintz's subdivision of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter of section 4, T. 38 N., R. 14 E., of the 3rd P. M., in Cook county, Illinois, assuming by direction that Louis Heintz acquired a good title thereto.

1. Subdivision by Louis Heintz.

Map surveyor's certificate dated Feb'y 20, 1866, and recorded Feb'y 23, 1866, in Book 163, page 106, entitled "Louis Heintz' subdivision of 24 acres east and adjoining the west 10 acres of north half of north half of southwest quarter of sec. 4, 38, 14," showing a subdivision of said tract into 6 blocks, blocks 1, 2, 5, and 6 having 36 lots each, 25 by 126.5 feet to a 14-foot alley; blocks 3 and 4 divided into 40 lots each, all 25 by 126.5 feet deep to a 14-foot alley, except lots 20 and 21 therein, which measure 21 feet by 126.5 feet; acknowledged Feb'y 23, 1866, before a justice of the peace in and for Cook county, Illinois.

(Here follows diagram marked page 219.)

220 Louis Heintz and wife to Peter Caldwell. } 3. Doc. 158,845.

[50 cts. stamp.]

Warranty deed dated Feb'y 7, 1868, and recorded Feb'y 12, 1868, in Book 430, page 291; consid'n, $300.00; convey lots 11 and 12, in block 2, in Louis Heintz's subdivision of 24 acres east and adjoining the west 10 acres of the north half of the north half of the southwest quarter of section 4, T. 38 N., R. 14 E., of 3rd P. M.

Louis Heintz and wife to Peter Caldwell. } 4. Doc. 167,136.

[50 cts. stamp.]

Warranty deed dated April 27, 1868, and recorded April 28, 1868, in Book 455, page 131; consid'n, $285.00; convey lots 13 and 14, in block 2, in Louis Heintz's subdivision aforesaid.

Peter Caldwell and wife to Elias Greenebaum. } 5.

Trust deed dated Dec. 29, 1868, and recorded Dec. 30, 1868, in Book 494, page 391, to secure the payment of $1,000.00; convey, with other property, lots 12 and 13, in block 2, in Louis Heintz's subdivision aforesaid.

Elias Greenebaum to Peter Caldwell. } 6.

Release deed dated Jan'y 11, 1869, and recorded Jan'y 11, 1869, in Book 543, page 10; consid'n, $1.00, &c.; releases all right, title, interest, &c., acquired by trust deed bearing date Dec. 29, 1868, and recorded, &c., in Book 494 of Records, page 391, to the premises therein described, as follows, to wit (with other property), lots 12 and 13, in block 2, in Louis Heintz's subdivision aforesaid.

221 We have made examination—

1st. Of our letter-press copies of abstracts of title made before the Chicago fire.

2nd. Of the indices of Chase Bros., Shortall & Hoard, and Jones & Sellers (used by us) to the records of Cook county, Ills., of deeds, judgments, and tax sales before the Chicago fire and prior to Oct. 9, 1871, with the exception of instruments filed for record on Oct. 6 & 7, 1871, subsequent to doc. 116,420; and

3d. Of our indices to the records of Cook county, Ills., which commence on said Oct. 9, 1871, and find no conveyances of the premises described in the caption hereto executed by Louis Heintz or by the parties named herein as grantors or grantees who derived title through him, shown thereby to have been recorded in the recorder's office of said county, except as shown.

No judgments appearing thereby to have been rendered in the several courts of record in said county against Louis Heintz prior to April 29, 1868, neither any against Peter Caldwell at any time, which we deem liens on said premises.

No tax sales of said premises noted thereon as had in the year 1866 and prior to the year 1871, standing on record uncancelled or unredeemed.

NOTE.—No search made for tax sales had in the year 1871.

Chicago, April twenty-second (22d), 1872.

WILMANNS & PARDELOUP.

A true copy.

OTTO PELTZER & CO.

222 Examination of title to lots 12 and 13, in block 2, in Louis Heintz's subdivision of 24 acres east — adjoining the west 10 acres of the north ½ of the north ½ of the southwest ¼ of section 4, T. 38 N., R. 14 east, of the 3rd P. M., Cook county, Illinois, commencing our examination April 23, 1872.

Louis Heintz and Johanna, his wife, of the city of Chicago, Cook county, Ills., to Peter Caldwell. } 1. Doc. 208,182.

[50-ct. stamp.]

Warranty deed dated Feb'y 7, 1868, recorded January 21, 1879, Book 839, pg. 488; considr., $300; grant, bargain, sell, &c., the fol-

lowing-described parcel of land situated in Cook Co., Ills., to wit, lot 11 and lot 12, in block 2, in Louis Heintz' subdivision of 24 acres east and adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of sect. 4, T. 38 N., R. 14 east, of the 3rd P. M.; Mrs. H. signs "Johanne;" homestead rights waived; ack'g'd Feb'y 7, 1868, before a notary public in & for the town of West Chicago, in & for Cook county, Ills.; a re-record of instrument filed for record Feb'y 12, 1868, & recorded in Book 430 of Deeds, page 291, as doc. 158,845.

Louis Heintz and Johanne, his wife, of the city of Chicago, Cook county, Ills., to Peter Caldwell. } 2. Doc. 208,185.

[50c. stamp.]

Warranty deed dated April 27, 1868, recorded Jan'y 21, 1879, Book 839, page 492; considr., $285.00; grant, bargain, sell,
223 &c., the following-described parcel of land situated in Cook county, Ills., to wit, lot 13 & lot 14, in block 2, in Louis Heintz's subdivision of 24 acres east & adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of sec. 4, T. 38 N., R. 14 E., of the 3rd P. M.; homestead rights waived; ack'g'd April 27, 1868, before a justice of the peace in & for Cook county, Ills.; a re-record of instrument filed for record Ap'l 28, 1868, & recorded in Book 455 of Deeds, pg. 131, as doc. 167,136.

Peter Caldwell & Ann, his wife, of the town of Lake, in Cook Co., Ills., to John H. Bani. } 3. Doc. 395,565.

Warranty deed dated May 15, 1882, recorded May 16, 1882, Book 1166, page 288; consd., $3,000.00; conveys & warrants the following-described real estate situated in Cook Co., Ills., to wit, lots 12 & 13, in block 2, in Louis Heintz's subdivision of 24 acres east and adjoining the W. 10 ac's of the N. ½ of the N. ½ of the S. W. ¼ of sec. 4, T. 38 N., R. 14 E. of the 3rd P. M.; homestead rights waived; ack'g'd May 15, 1882, before a notary public in & for Cook Co., Ills.

4.

Tax Sale.

Sale Aug. 29, 1873 (State & county taxes of 1872), of lots 12 and 13, in block 2, Louis Heintz' subdivision aforesaid, to Henry H. Gage for $3.82 each; "deed issued to Asahel Gage by Hermann Lieb, county clerk, July 24th, 1876, No. 767." Rec. 1, page 181.

224 Hermann Lieb, county clerk of Cook Co., Ills., to Asahel Gage. } 5. Doc. 97178.

Tax deed dated July 24, 1876, and recorded August 3, 1876, Book 641, page 451, grants & conveys the following-described real es-

tate situate in Cook Co., Ills., to wit: Lots 11, 12, 13, 14, and 15, block 2, and lots 1, 2, 3, 4, and 15, in block 3, and lot 9, in block 4, and lots 14 & 15, in block 5, in Louis Heintz's subdivision of 24 acres east & adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of sec. 4, T. 38 N., of R. 14 east, of the 3rd P. M., sold at a public sale of real estate for the non-payment of taxes made in the county aforesaid on Aug. 29, 1873; ac'g'd July 24, 1876, before a notary public in & for Cook Co., Ills.

6.

Tax Sale.

Sale Aug. 8, 1877 (3rd installment special assessm't warrant No. 36 of the town of Lake), lots 12 & 13, block 2, Louis Heintz's subdivision aforesaid, to A. Gage for $349 each. "Deed issued to Asahel Gage by E. F. C. Klokke, county clerk, July 3d, A. D. 1880, No. K 1191." Rec. 34, page 40.

E. F. C. Klokke, county clerk of Cook Co., Ills., to Asahel Gage. } 7. Doc. 279,617.

Tax deed dated July 3, 1880, and recorded July 8, 1880, Book 1005, page 376, grants and conveys the following-described real estate situated in Cook county, Ills., to wit (with other property): Lots 11, 12, 13, and 14, in block 2, & lot 15, in block 3, all in Louis Heintz's subdivision of 25 acres east & adjoining west 10
225 acres of the N. ½ of the N. ½ of the S. W. ¼ of sec. 4, being part of lot 17 in the assessor's division of the S. W. ¼ of said section 4, in T. 38 N., R. 14 east, of the 3rd P. M., sold at a public sale of real estate for the non-payment of taxes made in the county aforesaid on Aug. 8, 1877; ack'g'd July 3, 1880, before a notary public in & for Cook Co., Ills.

Tax Sale.

Sale Aug. 16, 1877 (5th installment South Park Association), of lots 12 & 13, in block 2, Louis Heintz's subdivision aforesaid, to A. Gage for $1.69 each. "Deed issued to Asahel Gage by E. F. C. Klokke, county clerk, June 30th, A. D. 1880, No. K 1187." Rec. 27, page 28.

E. F. C. Klokke, county clerk of Cook Co., Ills., to Asahel Gage. } 9. Doc. 278,744.

Tax deed dated June 30, 1880, recorded July 1, 1880, Book 1000, page 383, grants and conveys the following-described real estate situate in Cook Co., Ills., to wit (with other property): Lots 11, 12, 13, and 14, in block 2, all in Louis Heintz's subdivision of 24 acres east adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of sec. 4, being part of lot 17 in the assessor's division of the S. W.

¼ of said sec. 4, in T. 38 N., R. 14 east, of the 3rd P. M., sold at a public sale of real estate for the non-payment of taxes made in the county aforesaid Aug. 16, 1877; ack'g'd June 30, 1880, before a notary public in & for Cook Co., Ills.

10.

Tax Sale.

Sale Aug. 27, 1877 (State & Co. taxes of 1876), of lots 12 & 13, in block 2, in Louis Heintz's subdivision of 24 acres east & adjoining west 10 acres of the N. ½ of the N. ½ of S. W. ¼ sec. 4, 38, 14,
226 to A. Gage for $844 each. "Deed issued to Asahel Gage by E. F. C. Klokke, Co. clerk, July 6th, A. D. 1880, No. K 1197." Rec. 4, page 46.

E. F. C. Klokke, county clerk of Cook county, Ills., to Asahel Gage. } 11. Doc. 279,652.

Tax deed dated July 6, 1880, recorded July 9, 1880, Book 967, page 636, grants and conveys the following-described real estate situated in Cook Co., Ills., to wit (with other property): Lots 11, 12, 13, & 14, in block 2, & lot 15, in block 3, in Louis Heintz's subdivision of 24 acres east & adjoining west 10 acres of N. ½ of N. ½ of S. W. ¼, being part of lot 17 of assessor's division of S. W. ¼ of sec. 4, in T. 38 N., R. 14 E., of the 3rd P. M., sold at a public sale of real estate for the non-payment of taxes made in the Co. aforesaid on Aug. 27, 1877; ack'g'd July 6, 1880, before a notary public in & for Cook county, Ills.

We also find—

Harriet E. Halsey, formerly Harriet E. Bolles, only heir & representative of Peter Bolles, dec'd, and John J. Halsey, her husband, to William B. Boles. } 12. Doc. 194,768.

Certified copy of quitclaim deed dated January 1, 1864, recorded Sept. 18, 1878, Book 843, page 394; consdr., $1.00; remise, release, and quitclaim all that block 127, in school-section addition to Chicago, and "also all the real estate formerly belonging to Peter Bolles (now deceased), in the State of Illinois, which may have been sold and conveyed by Nathan H. Bolles (now deceased), as administrator of said Peter Bolles, whether situate in the counties of
227 Cook, La Salle, Kendall, Du Page, or elsewhere, including any real estate which may have been omitted in the inventory of Nathan H. Bolles, the administrator of said Peter Bolles, in the petition to the circuit court of Cook county, Illinois, for the sale of the real estate of said deceased;" acknowledged Jan'y 9, 1864. Appended is certificate by recorder of deeds for La Salle county, Ills., dated March 30, 1874, who certifies that the above and forego-

ing is a true, full, and complete copy of a deed or instrument in writing and of a certificate of acknowledgment thereunto appended as the same appear of record in "my" office and as recorded therein on Feb'y 16, 1864, in Book 91 of Records of La Salle county, pages 367 & 368.

Francis Agneul, sheriff of Cook Co., Ills., by Joseph Lawler, deputy, to C. M. Brennan. } 13. Doc. 103,113.

Certificate of sale dated Aug. 5, 1876, & recorded Sept. 16, 1876, in Book 646, page 582. Said sheriff, per deputy, certifies that by virtue of a certain *alias* writ of execution to him directed from the circuit court of Cook county in favor of C. M. Brennan, plaintiff, against Mary Dolan, defendant, for $162.01 & costs, dated July 11, 1876, he did, on Aug. 5, 1876, at 10 o'clock a. m., at the south door of the criminal court house, in Chicago, in said county (the time and place aforesaid having been duly advertised according to law), sell at public vendue all the right, title, & interest of said defendant in and to the following-described parcel of land, to wit: Louis Heintz' subdivision of 24 acres, except the adjoining west 10 acres, part of the north half of the north half of the southwest quarter of sec. 4, T. 38 N., R. 14 E., of the 3rd P. M., in Cook county, Ills., with all the improvements thereon, to C. M. Brennan "for the
228 sum of two hundred —," said sum being the highest and best bid offered for said parcel of land; that the purchaser will be entitled to a deed for the premises so sold on Nov. 5, 1877, unless the same shall be redeemed as provided by law.

John Hoffman, sheriff of Cook Co., Ills., and successor of Francis Agnew, late sheriff, to C. M. Brennan. } 14. Doc. 268,726.

Deed dated M'ch 15, 1880, and recorded April 27, 1880, in Book 943, page 591, sets forth that C. M. Brennan did, at the May term, 1875, of the circuit court of Cook county, Ills., recover a judgment against Mary Dolan for $162.01 and costs of suit, upon which judgment an execution was issued dated July 11, 1876, directed to the sheriff of Cook Co. to execute, and by virtue of said execution Francis Agnew, then sheriff of said Co., levied upon the premises hereinafter described, and the time and place of the sale thereof having been duly advertised according to law, the same were struck off and sold to C. M. Brennan on Aug. 5, 1876, he being the highest and best bidder therefor.

Therefore John Hoffman, sheriff of Cook county, Ills. (and successor of the said Francis Agnew, late sheriff as aforesaid), in consideration of the premises, conveys to said Brennan, his heirs and assigns, the following-described lot or parcel of land, to wit: Louis Heintz's subdivision of 24 acres, except the adjoining west 10 acres, part of the north half of the north half of the southwest quarter of section

4, T. 38, R. 14 E., of the 3rd P. M., in Cook Co., Ills., with all the improvements thereon.

Ack'g'd March 15, 1880, before a notary public in and for Cook county, Ills.

229 We have examined our abstract books and indices to the records of Cook Co., Ills., of deeds, judgments, and tax sales, and find—

No conveyances of the premises described in the caption hereto executed by the parties named herein as grantors or grantees shown thereby to have been recorded in the recorder's office of said county since Ap'l 22, 1871, except as shown.

No judgments appearing thereby to have been rendered in the several courts of record in said county against Peter Caldwell since said date & prior to May 17, 1882, and none against John H. Bani at any time since Oct. 8, 1871, which we deem liens on said premises.

No tax sales or forfeitures of said premises noted thereon as had in the year 1871 or since remaining uncanceled or unredeemed, except as shown.

Chicago, February sixteenth (16th), 1883.

OTTO PELTZER & CO.

Reviser, A. D. Wilmanns.

230 EXHIBIT 11.

This indenture witnesseth: That the grantor, Asahel Gage, of Vineland, in the county of Cumberland and State of New Jersey, for the consideration of ninety-one & $\frac{14}{100}$ dollars, conveys and quitclaims to John H. Bani, of the town of Lake, county of Cook and State of Illinois, all interest in the following-described real estate, to wit:

Lots Nos. twelve (12) and thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four acres east and adjoining the west ten (10) acres of the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of the southwest one-quarter ($\frac{1}{4}$) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian, situated in the county of Cook, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this State.

Dated this — day of ——, A. D. 188–.

This instrument presented to me and $91.14 offered in consideration of executing the same. I have no right or authority to either accept a tender for Mr. Asahel Gage or to execute any deed in his name. I could not, therefore, if I desired, accept such offer or execute such deed.

Sept. 12th, 1884.

AUGUSTUS N. GAGE.

231 EXHIBIT 12.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *July* 21, 1874.

Received of Peter Caldwell three dollars and 15 cents for special assessment No. 10, in town of Lake, for Wentworth-avenue improvement, on the following-described property, to wit:

Description.	Sec.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Blk.	Assessments.
								Dollars. Cents.
Louis Heintz' sub.	4	38	14			8	1	36
						9	"	34
						10	"	33
						11	2	25
						12	"	25
						13	"	25
						14	"	25
Cost								1 12
								3 15

1 | 145.

H. B. MILLER, *Collector*,
County Collector.
By C. JERNEGAN.

232 EXHIBIT 13.

No. 2973 D.

SOUTH PARK COMMISSIONERS' OFFICE,
COLLECTION DEPARTMENT, CHICAGO, *F'b'y* 4, 1876.

Received of Peter Caldwell ten and $\frac{70}{100}$ dollars in full for the fourth installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Sec.	Town.	Range.	Acres.	Part of.	S. lot.	Lot.	Block.	
									Dollars. Cents.
Louis Heintz' sub. N. ½ N. ½ S. W. ¼	4	38	14				11	2	97
							12	"	97
							13	"	97
							14	"	97
							1	3	95
							2	"	95
							3	"	95
							4	"	95
							15	"	94
									8 62
Interest from September 2, 1872, to date of payment at rate of 7 *%* *per cent.* per annum									2 08
									10 70

Interest from Sep.

W. L. GREENLEF, *Collector.*

233 EXHIBIT 14.

Special Assessment Receipt.

Town of Lake, collector's office, Cook county, State of Illinois.

CHICAGO, *Feb'y 10th*, 1882.

Received of Peter Caldwell twenty-two dollars and 50 cents for special assessment No. 189, in town of Lake, for lamp-posts on 43rd St., on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	
								Dollars. Cents.
Heintz' sub., in	4	38	14			11	2	2 50
						12	"	2 50
						13	"	2 50
						14	"	2 50
						1	3	2 50
						2	3	2 50
						3	"	2 50
						4	"	2 50
						15	"	2 50
								22 50

FRANK BECKER, *Collector.*

Parties remitting by mail mus- send draft on New York or Chicago or post-office order.

——— ———,
Collecting Clerk.
By BURCKY.

234 EXHIBIT 15.

Town of Lake, collector's office, Cook county, State of Illinois.

CHICAGO, *M'ch* 2, 1882.

Received of Peter Caldwell, 711 43rd street, one hundred eighty-five dollars and 18 cents in full of State, county, town, school, and park taxes due for the year 1881 on the following-described property:

Description.	Section.	Town.	Range.	Sub-lot.	Lot.	Block.	Valuation.	Dolls. Cts.	Dolls. Cts.	Total tax.
										Dolls.' Cts.
Heintz' sub., in	4	38	14		11	2	265			13 68
					12	"	265			13 68
					13	"	176			9 10
					14	"	442			22 83
					1	3	618			31 88
					2	"	470			24 25
					3	"	470			24 25
					4	"	470			24 25
					15	"	412			21 26
										185 18

FRANK BECKER, *Collector.*

Parties remitting must send draft on New York or Chicago or post-office order.

——— ———,
Collecting Clerk,
By C. F. BERG.

235 EXHIBIT 16.

No. 6669 G.

South Park commissioners' office, 92 Washington street, collection department, W. L. Greenleaf, collector.

CHICAGO, *Jan'y* 16, 1880.

Received of Peter Caldwell thirteen & $\frac{7}{100}$ dollars in full for the eighth and last installment of the amount assessed against the

following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Sec.	Town.	Range.	Acres.	Part of.	S. lot.	Lot.	Block.	
									Dollars. Cents.
Assessed div., in Lewis Heintz' sub. p't	4	38	14					17	
						11 to 14	2	"	3 88
						1 to 4	3	"	3 80
						15	"	"	94
									8 62
Add interest from September 2, 1872, to date of payment, at rate of 7 per cent. per annum									4 45
									13 07

W. L. GREENLEAF, *Collector.*

236 EXHIBIT 17.

Assessment Receipt.

No. 5.

TOWN OF LAKE, COOK CO., ILL., *Aug.* 3, 1881.

Received of Peter Caldwell one hundred & eleven dollars and seventy-seven cents for 8, 9, 10 installments, special assessment No. 36 for water pipe on the following-described property, to wit:

Description.	Sec.	Town.	Range.	S. lot.	Lot.	Block.	Amount.
							Dollars. Cents.
Lewis Hentz					1		
					2		
					3	3	
					4		
					15		
					11		
					12		
					13	2	67 50
					14		
Interest, at 10 per cent. per annum, from Jan. 20, 1875, to date of payment							44 27
Total							111 77

GEO. MOORHEAD, *Treas.*,
By G. W. CLERSON.

237 EXHIBIT 18.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Ap'l 30th*, 1881.

Received of Peter Caldwell, 711 43rd St., one hundred fifty dollars and — cents for special assessment No. 98, in town of Lake, for brick sewer in 43 St., on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	Assessment.
								Dollars. Cents.
Louis Heintz' sub'n	4	38	14			11	2	37 50
						12	"	37 50
						13	"	37 50
						14	"	37 50
								150 00

25 | 76.

W. T. JOHNSON,
Co. Collector.

Parties remitting by mail must send draft on New York or Chicago or post-office order.

W. H. WELBER,
Collecting Clerk,
By W. E. MILLER.

238 EXHIBIT 19.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *June 18th*, 1879.

Received of P. Caldwell, 711 43rd St., thirty-four $\frac{41}{100}$ dollars and — cents for 5th installment of special assessment No. 36, of town of Lake, for water pipes in 43rd St., on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of acres.	Sub-blot.	Lot.	Block.	Assessment.
								Dollars. Cents.
L. Heintz' subd.	4	38	14			1	3	2 50
						2	"	2 50
						3	"	2 50
						4	"	2 50
						15	"	2 50
						11	2	2 50
						12	"	2 50
						13	"	2 50
						14	"	2 50
Cost								1 98
Interest on amount of assessment, at 10 per cent. per annum, from Jan'y 20th, 1875, to date of payment								9 93
								34 41

Parties remitting by mail or otherwise will please compute and add interest as indicated above. Draft on Chicago, currency by express, or post-office order required.

S. H. McCREA,
County Collector,
By E.

239 EXHIBIT 20.

Special Assessment Receipt.

Town collector's office, town of Lake, Cook county, State of Illinois.

CHICAGO, *Mar.* 26, 1880.

Received of Peter Caldwell, 711 43rd St., thirty-three dollars and 97 cents for installment of special assessment No. 36, in town of Lake, for water pipe in 43rd St., on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	Assessment.
								Dollars. Cents.
L. Heintz' subd'n	4	38	14			11 to 14	2	10 00
						1 to 4	3	10 00
						15	"	2 50
Interest on amount of assessment, at 10 per cent. per annum, from July 20th, 1875, to date of payment								11 47
								33 97

N. B.—Parties remitting by mail or otherwise will please compute and add interest as indicated above.

W. T. JOHNSON,
Co. Collector,
By C. J. MEEGAN.

240 EXHIBIT 21.

The figure and other writing in the column headed "notification of special assessments," etc., denote the warrant number of the special assessment and assessments otherwise described due upon the property in this receipt. Separate receipts are issued for the said special assessments when paid.

County collector's office, Cook county, State of Illinois.

CHICAGO, *April 30th*, 1881.

Received of Peter Caldwell, 711 43rd St., forty-seven dollars and 42 cents in full of State, county, city, town, school, road, park, and corporation taxes due for the year 1880 on the following-described property:

	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation, dollars.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Louis Heintz' sub'n	4	38	14	---	---	11	2	266	--- ---	------	14 20
						12	"	"	------	------	14 20
						13	"	178	------	------	9 51
						14	"	"	------	------	9 51
											47 42

Interest at — per cent., —; costs, —.
#36 #98.

W. T. JOHNSON,
Co. Collector.

Parties remitting must send draft on Chicago, currency by express, or a post-office order.

W. H. WEBER,
Collecting Clerk,
By W. E. MILLER.

241 EXHIBIT 22.

County collector's office, Cook county, State of Illinois.

Special Assessment Receipt.

CHICAGO, *Ap'l 30th*, 1881.

Received of Peter Caldwell, 711 43rd St., sixteen dollars and 25 cents for 7th installment of special assessment No. 36, in town of

Lake, for water pipes in 43rd St. on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	Assessments.
								Dollars. Cents.
L. Heintz' sub'n	4	38	14	---	---	11	2	2 50
						12	"	2 50
						13	"	2 50
						14	"	2 50
Interest on amount of assessment, at 10 per cent. per annum, from Jan. 20th, 1875, to date of payment								6 25
								16 25

Parties remitting by mail or otherwise will please compute and add interest as indicated above. Drafts on New York, Chicago, or a post-office order required.

W. T. JOHNSON,
Co. Collector,
By W. E. MILLER.

W. H. WEBER,
Collecting Clerk.

242 EXHIBIT 23.

County collector's office, Cook county, State of Illinois.

CHICAGO, *Mar.* 25, 1880.

Received of Peter Caldwell, 711 43rd St., one hundred and two dollars and 94 cents in full of State, county, town, school, road, park, and corporation taxes due for the year 1879 on the following-described property:

Description.	Section.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Dolls. Cents.	Dolls. Cts.	Total tax.
											Dolls. Cts.
L. Heintz' sub.	4	38	14	----	----	11	2	256	----	------	11 72
						12	"	143	------	------	6 54
						13	"	143	------	------	6 54
						14	"	149	------	------	6 83
						1	3	491	------	------	22 45
						2	"	378	------	------	17 29
						3	"	174	------	------	7 97
						4	"	189	------	------	8 65
						15	"	327	------	------	14 95
											102 94

Parties remitting must send draft on Chicago, currency by express, or a post-office order.

W. T. JOHNSON,
Co. Collector,
By C. J. MEGAN.

____ ____,
Collecting Clerk.

243 EXHIBIT 24.

County Tax.

STATE OF ILLINOIS, }
County of Cook. }

COUNTY TREASURER'S OFFICE, CHICAGO, *July* 20, 1875.

Received of Peter Caldwell, U. S. yards, one hundred sixty-eight $\frac{91}{100}$ dollars in full for State, county, town taxes due for the year 1874 on the following-described property situated in said city, viz:

Description.	Section.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
L. Heintz' sub.	4	38	14			1 to 4	3		99 38
						15	[illegible]		19 44
						11 to 14	2		38 92
Allen's sub. S. E. ¼ N. E. ¼	24	37	14			39 to 48	3		2 10
C. T. subd.	29	39	14	Lot- 15 & 16.	1	14	24		2 98
W. ½ S. E. ¼	31	36	14			15			1 15
Costs									4 94
									168 91

X 294.

H. B. MILLER,
Co. Collector,
By C. J. MEGAN.

244 EXHIBIT 25.

County Tax.

STATE OF ILLINOIS, }
County of Cook. }

COUNTY TREASURER'S OFFICE, CHICAGO, *June* 30, 1876.

Received of Peter Caldwell one hundred eighty-two $\frac{35}{100}$ dollars

in full for State, county, town taxes due for the year 1875 on the following-described property situated in said city, viz:

Description.	Section.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
Louis Heintz' sub'n	4	38	14			1	3		51 86
						2	"		35 56
						3	"		16 43
						4	"		10 97
						15	"		21 91
						11	2		10 97
						12	"		10 97
						13	"		10 97
						14	"		10 97
									180 64
Costs									1 71
									182 35

B. 2 | 475.

L. C. HUCK,
Co. Collector,
By C. J. MEGAN.

245 EXHIBIT 26.

County Tax.

STATE OF ILLINOIS, }
County of Cook. }

COUNTY TREASURER'S OFFICE, CHICAGO, *June* 18, 1879.

Received of P. Caldwell, 711 43rd St., one hundred twenty-two $\frac{84}{100}$ dollars in full for State, county, town taxes due for the year 1878 on the following-described property situated in said city, viz:

Description.	Section.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
L. Heintz' subd.	4	38	14			1 to 4	3	1,587	71 62
						15	"	351	15 84
						11 to 14	2	664	30 00
Allen's subd. S. E. ¼ N. E. ¼	24	37	14			39 to 48	3	20	1 20
Costs									4 18
									122 84

B. 3 | 445.

L. K. McCREA,
Co. Collector,
By GOODMAN.

246 EXHIBIT 27.

County Tax.

STATE OF ILLINOIS, }
County of Cook. }

COUNTY TREASURER'S OFFICE, CHICAGO, *Aug. 4th*, 1879.

Received of P. Caldwell, 711 43rd St., two hundred fifty $\frac{88}{100}$ dollars in full for State, county, town taxes due for the — on the following-described property, situated in said city, viz., forfeitures as extended on tax warrant of 1878:

Description.	Section.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
L. Heintz' subd.	4	38	14			1 to 4	3	Forf.	190 60
						15	"	"	18 10
						11 to 14	2	"	33 00
Allen's subd. S. E. ¼ N. E. ¼	24	37	14			39 to 48	3	"	5 00
Cost									4 18
									250 88

51.00. E. 3 | 262. Miller.

S. H. McCREA,
Co. Collector,
By GOODMAN.

247 EXHIBIT 29.

No. 454 A.

SOUTH PARK COMMISSIONER'S OFFICE,
CHICAGO, *Aug.* 20, 1872.

Received of Peter Caldwell twenty and $\frac{57}{100}$ dollars in full for the first instalment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz.:

	Part of—	Lot.	Block.	
				Dolls. Cts.
Louis Heintz' sub., N. ½ N. ½ S. W. ¼, sec. 4, 38, 14		8	1	1 79
		9	"	1 78
		10	"	1 72
		11	2	1 71
		12	"	1 71
		13	"	1 71
		14	"	1 71
		1	15	1 70
		2	"	1 70
		3	"	1 70
		4	"	1 70
		15		1 64
				20 57

Int. from — to date of —.

W. S. GREENLEAF, *Sec'ty.*
S. V. G.

248 EXHIBIT 30.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *July 24th*, 1874.

Received of Peter Caldwell, 43rd and Wallace, fifteen $\frac{14}{100}$ dollars in full for the second instalment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz.:

	Sec.	T.	R.	No. of acres.	S. lot.	Lot.	Block.	
								Dolls. Cts.
Louis Heintz' subd. in assessor's div. S. W. ¼	4	38	13			8	1	1 02
						9	"	1 01
						10	"	1 01
						11	2	97
						12	2	97
						13	"	97
						14	"	97
						1	3	95
						2	"	95
						3	"	95
						4	"	95
						15	"	94
Costs								1 92
NOTE.—Add interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum								1 56
								15 14

H. W. MILLER,
Co. Collector,
Per C. JERNEGAN.

EXHIBIT 31.

STATE OF ILLINOIS, *Cook County, Town of Lake:*

COLLECTOR'S OFFICE, *January* 31, 1871.

Received of Peter Caldwell eighty-five and $\frac{54}{100}$ dollars in full for State, county, town, school, and park taxes for the year 1870 on the real estate in said town. describe- below.

Description.	Sec.	Town.	Range.	Acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.	County tax.	Town tax.	School tax.	South park tax.	Total.
								$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Louis Heintz's sub. of 24 a. east and adjoining the west 10 acres of N. ½ N. ½ S. W. ¼.	4	38	14	------	------	6	1	60	38	90	1 52	1 20	41	4 41
						7	1	60	38	90	1 52	1 20	41	4 41
						8	1	60	38	90	1 52	1 20	41	4 41
						9	1	60	38	90	1 52	1 20	41	4 41
						10	1	60	38	90	1 52	1 20	41	4 41
						11	2	60	38	90	1 52	1 20	41	4 41
						12	2	60	38	90	1 52	1 20	41	4 41
						13	2	60	38	90	1 52	1 20	41	4 41
						14	2	60	38	90	1 52	1 20	41	4 41
						1	3	60	38	90	1 52	1 20	41	4 41
						2	3	60	38	90	1 52	1 20	41	4 41
						3	3	185	1 16	2 78	4 68	3 70	1 24	13 56
						4	3	60	38	90	1 52	1 20	41	4 41
						15	3	260	1 63	3 90	6 58	5 20	1 75	19 06
									7 35	19 98	29 80	23 30	7 91	85 54

Personal-property tax.

DANIEL BURCKY,
Collector of Lake.

H.

250 EXHIBIT 32.

Treasurer's office, Cook county, State of Illinois.

CHICAGO, *Aug.* 18, 1869.

Received of Peter Caldwell thirteen dollars and 84 cents in full of special assessments made by the town of Lake due for the year 1868 on the following-described real estate and personal property as valued below, to wit:

Description.	Sec.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
Louis Heintz' sub.	4	38	14			7	1		1 86
						8	1		93
						9	"		93
						10	"		93
						11	2		94
						12	"		94
						13	"		94
						14	"		94
						1	3		99
						2	"		99
						3	"		
						4	"		99
						15	"		99
						18			99
						19			99
						20			99
									15 34
									1 50
									16 84

THOS. O. OSBORN,
County Treasurer.
H. GREEN, *Deputy.*

251 EXHIBIT 33.

South Park Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *July* 20, 1875.

Received of Peter Caldwell, U. S. yards, fourteen $\frac{44}{100}$ dollars in full for the third installment of the amount assessed against the following-described lot or parcel of land for benefits resulting thereto by reason of the location of the South park, with accrued interest, viz:

	Sec.	T.	R.	No. of acres.	S. lot.	Lot.	Block.	Doll.	Cts.
L. Heintz' sub.	4	38	14			1	3	*	95
						2	"		95
						3	"		95
						4	"		95
						15	"		94
						11	2		97
						12	"		97
						13	"		97
						14	"		97
Allen's sub. S. E. ¼ N. E. ¼								†	
C. T. subd.	29	39	14	15	1	14	24		80
				16	"	"	"		80
Cost								2	20
Interest from Sept. 2, 1872, to date of payment, at rate of 7 per cent. per annum								2	02
								14	44

* [In pencil:] P'd by J. Roach Ap'l 16, '75.
† [In pencil:] Not ret'd.

H. B. MILLER, *Co. Collector*,
Per C. JERNEGAN.

252 EXHIBIT 34.

Special Assessment Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *July* 20, 1875.

Received of Peter Caldwell twenty-four dollars and 48 cents for first installment of special assessment No. 36, in town of Lake, for water pipes on 43rd St., on the following-described property, to wit:

Description.	Section.	Town.	Range.	No. of —.	Sub-lot.	Lot.	Block.	Assessment.
								Dollars. Cents.
L. Heintz' sub.	4	38	14			1	3	2 50
						2	"	2 50
						3	"	2 50
						4	"	2 50
						15	"	2 50
						11	2	2 50
						12	"	2 50
						13	"	2 50
						14	"	2 50
Costs								1 98
								24 48

H. B. MILLER, *Co. Collector*,
By C. J. MEEGAN.

253 EXHIBIT 35.

Duplicate.

Treasurer's office, Cook county, State of Illinois.

CHICAGO, *Sept.* 16, 1868.

Received of Peter Caldwell one hundred four dollars and 32 cents in full of State, county, town, school, and road taxes due for the year 1867 on the following-described real estate and personal property as valued below, to wit:

Description.	Sec.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
Louis Heintz' subd'n 24 ac. E. & adj. W. 10½ acres of N. ½ S. W. ¼.	4	38	14	----	---	5	1	----	6 70
						6	----	----	6 70
						7	----	----	6 70
						8	----	----	6 70
						9	----	----	6 70
						10	----	----	6 70
						11	2	----	6 95
						12	----	----	6 95
						13	----	----	6 95
						14	----	----	6 95
						1	3	----	7 20
						2	----	----	7 20
						3	----	----	7 20
						4	----	----	7 20
						15	----	----	1 43
						18	----	----	1 43
						19	----	----	1 43
						20	----	----	1 43
									102 52
Costs									1 80
									104 32

THOS. OSBORNE,
County Treasurer,
By WM. ROSE.

254 EXHIBIT 36.

Treasurer's office, Cook county, State of Illinois.

CHICAGO, *Sept.*, 1868.

Received of Peter Caldwell one hundred four dollars and 32 cents in full of State, county, town; school, and road taxes due for the year 1867 on the following-described real estate and personal property as valued below, to wit:

Description.	Sec.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Dollars.	Cents.
Louis Heins' subd'n of 24 ac. E. & adj. W. 10½ ac. of N. ½ of S. W. ¼.	4	38	14			5	1	2	6	70
						6	"	2	6	70
						7	"	2	6	70
						8	"	2	6	70
						9	"	2	6	70
						10	"	2	6	70
						11	2	2	6	95
						12	"	2	6	95
						13	"	2	6	95
						14	"	2	6	95
						1	3	2	7	20
						2	"	2	7	20
						3	"	2	7	20
						4	"	2	7	20
						15	"	2	1	43
						18	"	2	1	43
						19	"	2	1	43
						20	"	2	1	43
									102	52
Costs									1	80
									104	32

THOS. OSBORN,
County Treasurer,
By WM. BEGER.

255 EXHIBIT 37.

Treasurer's office, Cook county, State of Illinois.

CHICAGO, *July* 13, 1870.

Received of Peter Caldwell ninety-eight dollars and 64 cents in full of State, county, town, school, road, and park special taxes due for the year 1869 on the following-described real estate and personal property as valued below, to wit:

Description.	Sec.	T.	R.	No. of acres.	Sub-lot.	Lot.	Block.	Valuation.	Total tax.
Louis Heintz	4	38	14			8	1	Paid.	
	"	"	"			9	"	60	4 81
	"	"	"			10	"	60	4 82
	"	"	"			11	2	"	5 01
	"	"	"			12	"	"	5 02
	"	"	"			13	"	"	5 02
	"	"	"			14	"	"	5 02
	"	"	"			1	3	"	5 03
	"	"	"			2	"	"	22 07
	"	"	"			3	"	230	16 42
	"	"	"			4	"	60	5 04
	"	"	"			15	"	210	14 48
	"	"	"			6	1	60	4 80
									97 54
Costs									1 20
									98 74

S. H. REXFORD,
County Treasurer,
By BEZ.

256 EXHIBIT 38.

State and County Tax Receipt.

County collector's office, Cook county, State of Illinois.

CHICAGO, *July* 21, 1874.

Received of Peter Caldwell, cor. 43 & Wallace, sixty-two dollars and 93 cents in full of State, county, town, school, road, and park taxes due for the year or years as herein set forth on the following-described property:

Description.	Sect.	Town.	Range.	No. of acres.	Sub-lot.	Lot.	Blocks.	Years.	Valuation.	Dolls.	Cts.	Total tax.
												Dolls. Cts.
Louis Heintz' sub.	4	38	14			8	1	1873				4 40
						9	"	"				4 40
						10	"	"				4 40
						11	2	"				4 40
						12	"	"				4 40
						13	"	"				4 40
						14	"	"				4 40
						1	3	"				4 40
						2	"	"				4 40
						3	"	"				8 24
						4	"	"				4 40
						15	"	"				8 77
Costs												1 92
												62 93

O, 345.

H. B. MILLER,
Co. Collector.
C. J. MERGAN.

EXHIBIT 39.

No. 313.

STATE OF ILLINOIS, } ss:
Cook County, Town of Lake, }

COLLECTOR'S OFFICE, *Aug.* 20, 1872.

Received of Peter Caldwell fifty-nine $\frac{63}{100}$ dollars in full for State, county, town, school, and park taxes for the year 1871 on the real estate in said town described below:

Description.	Sec.	Town.	Range.	Acres.	Sub-lot.	Lot.	Block.	Valuation.	State tax.	County tax.	Town tax.	School tax.	South park tax.	Total.
								$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Louis Heintz' subd'n of 24 a. E. & adj. W. 10 a. of N. ½ N. ½ S. W. ¼.	4	38	14	------	178	9	1	70	59	1 05	85	1 40	20	4 09
					172	10	1	95	81	1 43	1 15	1 90	27	5 56
					171	11	2	70	59	1 05	85	1 40	20	4 09
					171	12	2	70	59	1 05	85	1 40	26	4 09
					171	13	2	70	59	1 05	85	1 40	20	4 09
					171	14	2	70	59	1 05	85	1 40	20	4 09
					170	1	3	75	63	1 12	91	1 50	21	4 37
					170	2	"	70	59	1 05	85	1 40	20	4 09
					170	3	"	185	1 57	2 78	2 24	3 70	54	10 83
					170	4	"	66	50	90	73	1 20	17	3 50
					164	15	"	185	1 57	2 78	2 24	3 70	54	10 83
														59 63

DANIEL BURCKY, *Collector.*

258 EXHIBIT 40.

Collector's office, town of Lake, Cook county, State of Illinois.

CHICAGO, *Dec. 19th*, 1883.

Received of J. H. Bain, 628 Gordon St., fifty-three dollars and 70 cents in full of State, county, South park, town, school, and *etc.* taxes due for the year 1883 on the following-described property:

	Total tax. Dolls. Cts.
Description.—Louis Heintz' subd. S. W. ¼ S. 4, T. 38, R. 14; No. of acres, —; sub-lot —; lot 12, block 2; valuation, 398	27 86
Lot 13, block 2; valuation, 369	25 84
	53 70

Cash book, page —.

Parties remitting must send draft on Chicago, currency by express, or a post-office order.

JOHN O'NEIL,
Town Collector,
P'r W. C. VIEHOFF.

VIEHOFF, *Collecting Clerk.*

List of Taxable Real Estate, Lands, Town Lots, and Blocks, in the Town of Lake, in the County of Cook and State of Illinois, Assessed for the Year 1876.

(Owners' names (as listed by county clerk).	(Owners' names (to whom subsequently listed).	Description.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Blk.	Acres. No. Fract.	Acres improved. No. Fract.	Acres unimproved. No. Fract.	Fair cash value per acre. Dollars. Cents.	Lands. Fair cash value of improved lands. Dollars.	Lands. Fair cash value of unimproved lands. Dollars.	Lots and blocks—fair cash value of improved lots & blocks. Dollars.	Fair cash value of unimproved lots & blocks. Dollars.	Total fair cash value.	Assessor's remarks.
Peter Caldwell.....		Assessor's subdivision of S. W. ¼, Lewis Heintz subd'n of 24 ac. E. & adj. W. boar. of N. ½ N. ½ of S. W. ¼, being part of lot 17.	4	38	14			121									135	135	
								13											

260 *Oath to be Taken and Signed by the Assessor Before Entering upon His Duties.*

It should be upon the book which the assessor will return to the county clerk and may be taken before any officer having authority to administer oaths.

STATE OF ILLINOIS, } ss:
Cook County, }

I, George Muirhead, having been elected to the office of assessor in the town of Lake, in the county of Cook and State aforesaid, do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of town assessor of said town according to the best of my ability.

GEO. MUIRHEAD,
Assessor of the Town of Lake.

Subscribed and sworn to before me this 24th day of April, A. D. 1876.

[SEAL.] HERMANN LIEB,
County Clerk.

Section 90 of Revenue Law of 1879.

"The assessor shall, on or before the first day of July of the year for which the assessment is made, return his assessment books to the county clerk, verified by his affidavit substantially in the following form:"

Oath to be Taken and Signed by the Assessor on the Book which He Returns to the County Clerk.

To be administered by any officer having authority to administer oaths.

STATE OF ILLINOIS, } ss:
Cook County, }

261 I, Geo. Muirhead, assessor of the town of Lake, do solemnly swear that the book to which this is attached contains a correct and full list of all the real property subject to taxation in the town of Lake so far as I have been able to ascertain the same, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is, in each case, the fair cash value of such property to the best of my knowledge and belief (except as corrected by the town board), and that the footings of the several columns in said book and tabular statement returned herewith are correct, as I verily believe.

GEO. MUIRHEAD,
Assessor of the Town of Lake.

Subscribed and sworn to before me this 13th day of July, A. D. 1876.

[SEAL.] HERMANN LIEB,
County Clerk.

Section 91 *of Revenue Law of* 1871–'2.

"The assessor shall at the same time deliver to the county clerk all the schedules and statements of personal property which shall have been received by him, endorsed with the name of the person whose property is listed and arranged in alphabetical order, and the clerk shall preserve the same in his office for two years thereafter."

262 A correct list of taxable real estate, lands, lots, and blocks in the town of Lake, in the county of Cook and State of Illinois, assessed and equalized for the year A. D. 1876, upon which assessment or valuation, as equalized by the State board of equalization, the taxes for said year have been computed and extended, as shown in the respective columns below; also showing the "back taxes of other years" and the amounts due on lands and lots "previously forfeited to the State" and remaining unredeemed on the 1st day of November, A. D. 1876, with interest, costs, and printer's fees due thereon, the same being set opposite the word forfeitures against the respective lands, lots, and blocks and added to the taxes for said year A. D. 1876.

Names.	Description—part of section, lot, or block.	Section.	Town.	Range.	Lot.	Sub lot.	Lot.	Block.	Acres.	Back taxes.	Forfeited to State.	Assessed valuation.	Valuation as corrected & equalized by county board.	Valuation as equalized by State board of equalization.	State tax.	County tax.	Town tax.	School district.	School tax.	South park tax.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	Aggregate of tax of A. D. 1876.	Printer's fees.	Aggregate of back taxes and forfeitures.	Totals.	When paid, post office address, &c.
										Year.	Year.	Dollars.	Dollars.	Dollars.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	No.	Dollars. Cts.	Dollars. Cts.				Dollars. Cts.	Dolls. Cts.	Dollars. Cts.	Dollars. Cts.	
	Assessor's div'n of S.W. ¼	4	38	14	.....	.....	.....	.....	.....	.....	For feited										.....	.....	.....		.....	.....		Aug. 27, '77.
	Lewis Heintz' sub'n of 24 ac's E. and adj. W. 10 ac's of N. ½ of N. ½ S. W. ¼, being part of lot 17.....	4	38	14			17																					
P. Caldwell	.....	.....	.....	.....	12	2	.....	.....	.....	.....	For feited	135	135	205	58	1 52	3 53	.....	2 04	37	.....	.....	.....	8 04	.....	.....	8 04	Sold. A. Gage. 97.
"	.....	.....	.....	.....	13	"	"	.....	.....	.....	For feited	135	135	205	58	1 52	3 53	.....	2 04	37	.....	.....	.....	8 04	.....	.....	8 04	Sold. A. Gage. 97.
											For feited																	
											For feited																	

263 *Collector's Warrant.*

STATE OF ILLINOIS, } ss:
County of Cook, }

The people of the State of Illinois to Peter Murphy, collector of the town of Lake, in said county of Cook and State of Illinois, Greeting:

You are hereby commanded to levy and collect from the several persons named in the roll or book hereto annexed and herewith committed to you (the same being the tax assessment upon the property in said town for the current year and for former years, as therein shown) the several sums of money entered in the column of "totals" of said roll or book opposite their respective names. You will proceed to collect the taxes and assessments mentioned in said book, and for that purpose you will call at least once upon each person taxed named in said book or at his place of business (if he resides in said town) and make demand for the taxes and assessments charged to him upon his property; and in case any person named in this book shall neglect or refuse to pay his personal-property tax imposed on him when demanded you shall levy the same, together with the costs and charges that may accrue, by distress and sale of the goods and chattels of such person. In case any person against whom the tax is assessed has removed from said town to another town in said county without paying said tax you will levy and collect such tax of the goods and chattels of such person in any town within said county to which said person shall have removed or from property of such person wherever the same may be found in said county. In levying on and selling personal property for taxes you will be governed by the same rules and be entitled to the same fees as constables are or may be for like services on execution, but in no
264 case will you charge mileage unless you are compelled to distrain property, and in case of such levy of goods and chattels by you you will give public notice of the time and place of sale and of the property to be sold, with the name of the delinquent, at least, five days previous to the day of sale by advertisements in writing, to be posted up in at least three public places in said town where such sale is to be made, and at such time and place you will, if the same shall not be redeemed by payment of the taxes, sell the same at public auction, and, if practicable, no more property shall be sold than sufficient to pay the taxes, costs, and charges due. If the property thus distrained shall be sold for more than the amount of taxes and charges due you will return the surplus to the person in whose possession such property was when distress was made if no claim shall be made to such surplus by any other person. If any other person shall claim such surplus on the ground that the property sold belonged to him and such claim be admitted by the person for whose tax the same was distrained you will pay such surplus to such owner. Out of the moneys collected by you by virtue hereof, after deducting the compensation to which you are legally entitled, you will pay over as follows, to wit: To the proper officers the amount of tax

collected for the support of highways and bridges, and to the supervisor of the town the moneys which shall have been collected therein to defray town expenses; to the proper school officers the district school tax, and to the county collector the county tax and the taxes payable to the State treasury collected by you at the time and in the manner directed by law, and to the city or incorporated town or village treasurer or other proper officer the taxes or special assessments collected by you for such city, incorporated town, or
265 village or others as often and at such time as may be demanded by the proper officer; all of which payments herein specified you are required to make on or before the tenth day of March next. Hereof fail not to make returns of your doings by virtue hereof under the penalties of the law in such case made and provided.

In witness whereof Hermann Lieb, county clerk of said county, has hereunto set his hand and affixed the seal of the county [SEAL.] court of said county this 26th day of December, A. D. 1876.

HERMANN LIEB,
County Clerk.

A list of the real estate in the town of Lake, Cook county, Illinois, on which the taxes for the year 1876 and prior years remain due and unpaid, as shown in the list hereunto attached, the same being described as in the tax book delivered to Peter Murphy, collector of the said town of Lake for the year 1876, which said list is this day reported delinquent by said collector and duly filed.

PETER MURPHY,
Collector of Town of Lake.

Filed this 14th day of April, 1877.

L. C. HUCK,
County Collector, Cook County, Illinois.

266 The following is a correct list of taxable real estate, lands, lots, and blocks in the town of Lake, in the county of Cook and State of Illinois, upon which the taxes on the valuation as assessed and equalized for the year A. D. 1876, together with the addition of "back taxes" and "forfeitures to the State," remain due and unpaid, as therein set forth:

Names.	Description—part of section, lot, or block.	Section.	Town.	Range.	Lot.	— lot.	Blk.	Blk.	Back taxes.	Forfeited to State.	Assessed valuation.	Valuation as corrected and equalized by county board.	Valuation as equalized by State board of equalization.	State tax.	County tax.	Town tax.	School district.	School tax.	South park tax.	Tax.	Tax.	Tax.	Aggregate tax of A. D. 1876.	Printer's fees.	Aggregate of back tax and forfeitures.	Total.	When paid, post-office address, &c.
													Dollars.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	No.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	
P. Caldwell	Assessor's division of S. W. ¼, lying E. of Lewis Heintz' subd'n of 24 and S. E. ¼ adj. W. to 80 a. S. of W. ¼ S. W. ¼, and N. ¼ of N. ¼ part of lot 17	4	38	14	12 13	24							205 205	58 58	1 52 1 52	3 53 3 53	.....	2 04 2 04	37 37	.....	.....	.....	8 04 8 04	.....	.....	8 04 8 04	

267 STATE OF ILLINOIS, } ss:
Cook County, }

I, Peter Murphy, collector of the town of Lake, in Cook county and State aforesaid, being first duly sworn, depose and say that the above and foregoing is a full, true, and correct list of all the real estate in the town of Lake as the same is described in the tax book annexed to the warrant delivered to me for the year 1876, on which the taxes remain due and unpaid as charged against said list of real estate in the tax book, showing the amount of each kind of tax and cost charges thereon, together with the names of the persons to whom listed; that the taxes thereon set forth remain due and unpaid, and that the facts therein stated are true and correct.

PETER MURPHY,
Collector of Town of Lake.

Subscribed and sworn to before me this 14th day of April, 1877.

[SEAL.] WILLIAM BEYE,
Notary Public in and for Cook County, Illinois.

Filed May 1st, 1877.

HERMANN LIEB, *Clerk.*

A list of delinquent lands and lots in the county of Cook and State of Illinois, upon which remain due and unpaid the taxes and special assessments levied and assessed for the year 1876 and prior years and upon which remain due and unpaid the amounts for which said lands and lots had been previously forfeited to the State and which remain unpaid on the first day of November, A.
268 D. 1876, and ten per cent. interest, printer's fees, and other costs added to said amounts and upon which remain due and unpaid back taxes of 1875 and prior years added (embracing only the delinquent taxes and special assessments, together with the interest, printer's fees, and other costs thereon, if any, contained and set forth in the collector's books, with the warrants attached thereto issued by the county clerk of said county for the year 1876, which now remain due and unpaid), and showing the names of the owners thereof so far as known, the proper description of the lands and lots, the valuation on which the taxes are extended, the amounts of each kind of tax and assessment and interest and cost, if any, against each parcel of land or lot, and the total amount charged against each parcel of land or lot respectively; all of which taxes and special assessments so levied and assessed for said years and hereinafter set forth and enumerated and the interest and costs thereon Louis C. Huck, county treasurer and *ex officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect, and which said list is this day reported to the county clerk:

269 The following (county collector's delinquent list) is a correct list of taxable real estate, lands, lots, and blocks in the town of Lake, in the county of Cook and State of Illinois, showing the amount of the annual taxes for the year A. D. 1876 due thereon, and also showing the amounts due on lands and lots "previously forfeited to the State" and remaining unpaid on the first day of November, A. D. 1876, with interest added and printer's fees due thereon, as shown in the respective columns below, which said taxes, back taxes of other years, forfeitures, interest, and printer's fees the county treasurer and *ex officio* collector of Cook county, Illinois, has been unable to collect and which now remains due and unpaid:

Names.	Description—part of section, lot, or block.	Section.	Town.	Range.	Lot.	Sub lot.	Lot.	Block.	Acres.	Back taxes.	Year.	Forfeited to State.	Year.	Assessed valuation.	Valuation as equalized by State board of equalization.	State tax.	County tax.	Town tax.	No.	School district.	School tax.	South park tax.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	Aggregate of tax A. D. 1876.	Printer's fees.	Aggregate of back taxes and forfeitures.	Totals.	Remarks.
						RPK.								Dollars.	Dollars.	Dollars. Cts.	Dollars. Cts.	Dollars. Cts.	No.			Dollars. Cts.										
P. Caldwell	Assessor's division of S. W. ¼ Louis Heintz's subdiv. of 24 ac. E. & adj. W. 10 ac's of N. 12 N. 38 W. ¼, being part of lot 17, blk 2.	4	38	14	4	21	17							205	205	58	1 52	3 53			24 04		24 04			24 04			24 04	
"							13																								

270 STATE OF ILLINOIS, } ss:
Cook County, }

I, Louis C. Huck, collector of the county of Cook, do solemnly swear that the foregoing is a true and correct list of the delinquent lands and lots within the county of Cook upon which I have been unable to collect the taxes and special assessments, interest, and printer's fees charged thereon, as required by law, for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe.

LOUIS C. HUCK,
Collector of Cook County, Illinois.

Subscribed and sworn to before me this 11th day of May, A. D. 1877.

[SEAL.] HERMANN LIEB,
County Clerk.

Cook County Delinquent Tax-List.

Office of the county treasurer and *ex officio* county collector, Cook county, Illinois.

CHICAGO, *May* 18, 1877.

The following list, the caption of which is "list number one," is a list of delinquent lands and lots in the county of Cook and State of Illinois upon which remain due the taxes and special assessments levied and assessed for the year 1876 and prior years and upon which remain due and unpaid the amount for which the said lands and lots had been previously forfeited to the State and
271 which remained unpaid on the first day of November, A. D. 1876, and ten per cent. interest and printer's fees added to said amounts and upon which remain due and unpaid back taxes of 1875 and prior years added (embracing only the delinquent taxes and special assessments, together with the interest and printer's fees thereon, if any, contained and set forth in the collector's books, with the warrants attached thereto issued by the county clerk of said county for the year 1876, which now remain due and unpaid, together with the names of the owners thereof so far as known and the total amount due and unpaid on each tract of land and lot.

List number one.

EXPLANATORY.—In this list the figures in the column headed "y'r" denote the year for which the tax is due, the amount of which tax being set down to the right of said figures. The letters "for." are an abbreviation of the word forfeitures and denote that the amounts set down to the right of same are the amounts due on said lands and lots previously forfeited to the State and remaining unpaid on the first day of November, 1876. The figures in the column headed "total tax" represent the total amount of taxes due thereon respectively.

Lake.

Assessor's Division of S. W. ¼ Sec. 4, T. 38, R. 14.

Louis Heintz's subd. of 24 acres E. and adj. W. 10 acres of N. ½ N. ½ S. W. ¼ sec. 4, T. 38, R. 14, being part of lot 17.

	Lot.	Bl'k.	Y'r.	Total.
P. Caldwell	12	2	1876	8 04
	13	"	1876	8 04

Public notice is hereby given that the undersigned, county treasurer and *ex officio* county collector of Cook county, State of Illinois,
272 will apply to the county court of said county, at the June term thereof, to commence on the second Monday in June, A. D. 1877, being the eleventh (11th) day of June, A. D. 1877, for judgment against the delinquent lands, lots, and real estate described in the foregoing list, the caption of which is "list number one," for the taxes and special assessments for the year A. D. 1876 and previous years and costs due thereon, and for the amounts for which such property had been forfeited to the State of Illinois for taxes and assessments previous to the 1st day of November, A. D. 1876, and remaining due and unpaid on said 1st day of November, together with ten per cent. interest and costs due thereon, and for back taxes for the year 1875 and prior years added and costs due thereon, and for an order to sell said lands, lots, and real estate for the satisfaction thereof, and also that on the sixth Monday next succeeding the second Monday in June, A. D. 1877, being the twenty-third (23rd) day of July, A. D. 1877, at the hour of ten (10) o'clock a. m., all the lands, lots, and real estate described in the said "list number one" against which judgment shall be rendered and for the sale of which an order shall be made will be exposed to public sale at the building where the county court is held in said county, to wit, the county building, situate on the northwest corner of Dearborn avenue and Michigan street, in the city of Chicago, in said county of Cook, for the amount of taxes, assessments, interest, and costs due thereon.

LOUIS C. HUCK,
County Treasurer and ex Officio County Collector of Cook County, Illinois.

Dated Chicago, May 18, 1877.

273 I, William Penn Nixon, publisher of The Inter-Ocean, do hereby certify that the foregoing lists of delinquent lands and lots contained in the newspaper, "The Inter-Ocean," to which this certificate is attached, which said lists are headed respectively "list number one," "list number two," and "list number three," with notices thereto attached, were published and advertised once in The Inter-Ocean, a daily newspaper published in Cook

county, State of Illinois, and the whole of said advertisement was contained in one edition of said newspaper, the said newspaper being a newspaper of general circulation throughout said county, and that the date of the paper containing the same was the 18th day of May, A. D. 1877; that said delinquent lists and notices have been published for the time required by law.

In witness whereof I have hereunto set my hand this 31st day of May, A. D. 1877.

WM. PENN NIXON,
Publisher of The Inter-Ocean.

STATE OF ILLINOIS, }
Cook County, } ss:

I, William Penn Nixon, do solemnly and truly declare and affirm that I am the publisher of "The Inter-Ocean," a daily newspaper printed in said county of Cook, in the State of Illinois, and of general circulation throughout said county; that the foregoing certificate by me subscribed is true.

WM. PENN NIXON.

Subscribed, declared, and affirmed before me this 31st day of May, A. D. 1877.

[SEAL.]

JOHN FORSYTHE,
Notary Public.

274 Record of a list of delinquent lands and lots in the county of Cook and State of Illinois upon which remain due and unpaid the taxes and special assessments levied and assessed for the year 1876 and prior years, and upon which remain due and unpaid the amounts for which said lands and lots had been previously forfeited to the State and which remain unpaid on the first day of November, A. D. 1876, and ten per cent. interest, printer's fees, and other costs added to said amounts, and upon which remain due and unpaid back taxes of 1875 and prior years added (embracing only the delinquent taxes and special assessments, together with the interest, printer's fees, and other costs thereon, if any, contained and set forth in the collector's books, with the warrants attached thereto issued by the county clerk of said county for the year 1876, which now remain due and unpaid), and showing the names of the owners thereof so far as known, the proper description of the lands and lots, the valuation on which the taxes are extended, the amount of each kind of tax and assessment and interest and cost, if any, against each parcel of land or lot, and the total amount charged against each parcel of land or lot respectively; all of which taxes and special assessments so levied and assessed for said years and hereinafter set forth and enumerated and the interest and costs thereon Louis C. Huck, county treasurer and *ex officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect, and which said list is this day reported to the county clerk.

275 STATE OF ILLINOIS, } ss:
Cook County, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the second Monday (being the eleventh day) of June, in the year of our Lord one thousand eight hundred and seventy-seven, and of the Independence of the United States of America the one hundred and first.

Present thereat: Honorable Martin R. M. Wallace, judge of county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMAN LIEB,
Clerk of the County Court of Cook County.

Court opened by proclamation.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent State, county, town, school, road, city, village, park, and corporation taxes and assessments levied and assessed upon the lands and lots in the county of Cook, in the State of Illinois, for the year 1876 and for the back taxes and forfeitures to the State, together with interest, printer's fees, and costs due and unpaid thereon.

And now, on this day, comes into court here Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by Luther Laflin Mills, State's attorney,
276 on behalf of the people of the State of Illinois, and by John M. Rountree, Esquire, county attorney of Cook county, and Messrs. Bonfield and Adams, attorneys for the city of Chicago, and applies to the court for judgment for the delinquent State, county, town, school, road, village, park, and corporation taxes and assessments levied and assessed upon the lands and lots in the county of Cook, in the State of Illinois, for the year 1876—

And for judgment for the amount for which lands and lots were forfeited to the State of Illinois for unpaid taxes at the tax sale for taxes of 1875, together with interest at ten per cent. and costs thereon and for judgment for back taxes due and unpaid thereon—

The record of the delinquent list of all said delinquent taxes, assessments, forfeitures, back taxes, interest, and printer's fees and costs being contained in thirty-six volumes, numbered from one (1) to thirty-six (36) and hereinafter following.

And it appearing to the court and the court finding from evidence presented that due notice, as required by law, has been given of this application for judgment, it is ordered by the court that any and all persons desiring to object to the rendition of such judgment file their objections thereto in writing by the coming in of this court, at ten o'clock a. m. on Monday, the eighteenth day of June instant.

M. R. M. WALLACE, *Co. Judge.*

277 The following is a correct record of the county collector's delinquent list of taxable real estate, lands, lots, and blocks in the town of Lake, in the county of Cook and State of Illinois, upon which the taxes for the year 1876, together with the addition of "back taxes" and "forfeitures to State," remain due and unpaid, as therein set forth:

Names.	Description—part of section, lot, or block.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	Back taxes—year.	Forfeited to State—year.	Valuation as equalized by State board of equalization.	State tax.	County tax.	Town tax.	School tax.	South park tax.	Aggregate tax of 1876.	Printer's fees.	Aggregate back taxes and forfeitures.	Totals.	Costs.	Total amount of judgement.	Remarks.
												Dollars.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	*Dollars.* Cts.	
	Assessor's division of S. W. ¼.....	4	38	14							Forfeiture.													
	Lewis Heintz' subdivision of 24 ac's E. and adj. W. 10 ac's of N. ½ N. ½ S. W. ¼, being p't of lot 17...	4	38	14		Blk.																		
P. Caldwell...	.....	.....	.....	.....	12	2	.....	.....	.....	.....	.....	205	58	1 52	3 58	2 04	37	8 04	.....	.....	8 04	40	8 44	A. Gage, 1254.
"	.....	.....	.....	.....	13	....	.....	.....	.....	.....	Forfeiture.	205	58	1 52	3 58	2 04	37	8 04	.....	.....	8 04	40	8 44	do. 1255.

278 STATE OF ILLINOIS, } ss:
Cook County, }

I, Louis C. Huck, collector of the county of Cook, do solemnly swear that the foregoing is a true and correct record of the delinquent lands and lots within the county of Cook upon which I have been unable to collect the taxes and special assessments, interest, and printer's fees and other costs charged thereon as required by law for the year or years therein set forth; that said taxes now remain due and unpaid, as I verily believe.

LOUIS C. HUCK,
Collector of Cook County, Illinois.

Subscribed and sworn to before me the 11 day of June, A. D. 1877.
[SEAL.] HERMANN LIEB,
County Clerk.

County Court of Cook County. July Term, A. D. 1877.

THURSDAY, *July 12th, A. D.* 1877.

Court being in session.
Present: Same as on the 9th instant.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent State, county, town, school, road, city, village, park, and corporation taxes and assessments levied and assessed upon the lands and lots in the county of Cook, in the State of Illinois, for the year 1876 and for the back taxes and forfeitures to the State, together with interest, printer's fees, and costs due and unpaid thereon.

And now, to wit, on this twelfth day of July, A. D. 1877,
279 the same being one of the days of the July term, A. D. 1877, of this court, again comes Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by John M. Rountree and Francis Adams, his attorneys; also come the several parties owners and interested in the several lands and lots in the foregoing list described who have heretofore severally filed objections herein to the rendition of judgment against the said lands and lots in which they are interested respectively.

And the court having considered the several objections aforesaid, and having heard the evidence adduced and the arguments of counsel, and having duly considered the same, and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in the foregoing list described opposite the description of which lands and lots in said list the words "judgment refused" appear, there being nothing written after said words to limit or confine the same to any particular tax or assessment or forfeiture or costs, be, and the same are hereby, sustained, and judgment is hereby refused as to said several lands and lots.

And it is further considered and ordered by the court that wherever in said list there is marked or noted opposite the description of any land or lot "judgment refused" for any particular tax or assessment or forfeiture or costs or any portion thereof judgment is hereby refused against said land or lot for said particular tax or assessment or forfeiture or costs or such portion thereof as to which judgment is noted refused as aforesaid.

And it is further ordered that all other objections filed herein to the rendition of judgment against the lands and lots in the foregoing list described be, and the same are hereby, overruled.

280 And whereas due notice has been given of the intended application for judgment against said lands and lots and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid thereon for the years herein set forth except where judgment has been refused as aforesaid, therefore it is considered and ordered by the court that judgment be, and is hereby, entered against the aforesaid tracts or lots of land or parts of tracts or lots (as the case may be) for the sum annexed to the description of each, less any particular tax or assessment or forfeiture or back taxes or interest or costs for which judgment has been refused as aforesaid, being the amount of taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid severally thereon.

And it is ordered by the court that the said several tracts or lots of land or so much of them as shall be necessary to satisfy the amount of taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid severally thereon be sold as the law directs.

M. R. M. WALLACE, *Co. Judge.*

Names.	Description.									Back taxes—year.	Amount of judgement for taxes levied in 1875.	Am't of judgement for back taxes and forfeitures to State of 1875 and prior years.	Costs.	Total amount of judgement.	Remarks.	Part sold.	When sold.	Name of purchaser.	When redeemed—date.	By whom redeemed.	Amount deposited.	No. of redemption certificate.	Certificate of sale cancelled.	No. of sale.‡
	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.																
											Dollars. Cts.	*Dollars. Cents.*	*Dollars. Cts.*	*Dollars. Cts.*							*Dollars. Cts.*			
Assessor's division of S. W. ¼	4	38	14																					
Louis Heintz' subd'n of 24 ac's E. & adj. W. 10 ac's of N. ½ N. ½ S. W. ¼, being p't of lot 17.....	4	38	14		Blk.																			
P. Caldwell.....	.....	.....	.....	12	2	17	.....	.....	.....		8 04	.....	40	8 44	.....	.....	Aug. 27, 1877	A. Gage..	*	.....	.....	.....	.....	1254
"	.....	.....	.....	13	"	"	.....	.....	.....		8 04	.....	40	8 44	.....	.....	" " "	"	†	.....	.....	.....	.....	1255

* Deed issued to Asahel Gage by E. F. C. Klokke.
† Deed issued county clerk July 6th, A. D. 1880, No. K 1197.
‡ Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for taxes of the above year, and the same is hereby cancelled and annulled.

282 STATE OF ILLINOIS, } ss:
Cook County, }

County Court of Cook County. July Term, A. D. 1877.

THURSDAY, *July 12th, A. D.* 1877.

Court being in session.

Present thereat: Hon. Martin R. M. Wallace, judge of the county court of Cook county; Charles Kern, sheriff of Cook county.

Attest: HERMANN LIEB,
Clerk of the County Court of Cook County.

In the Matter of the Application of LOUIS C. HUCK, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, for judgment for the delinquent State, county, town, school, road, city, village, park, and corporation taxes and assessments levied and assessed upon the lands and lots in the county of Cook, in the State of Illinois, for the year 1876 and for the back taxes and forfeitures to the State, together with interest, printer's fees, and costs due and unpaid thereon.

And now, to wit, on this twelfth day of July, A. D. 1877, the same being one of the days of the July term, A. D. 1877, of this court, again comes Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, by John M. Rountree and Francis Adams, his attorneys; also come the several parties owners of and interested in the several lands and lots in the foregoing list described who have hereto severally filed objections herein to the rendition of judgment against the said lands and lots in which they are interested respectively.

283 And the court having considered the several objections aforesaid, and having heard the evidence adduced and the arguments of counsel, and having duly considered the same, and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in the foregoing list described opposite the description of which lands and lots in said list the words "judgment refused" appear, there being nothing written after said words to limit or confine the same to any particular tax or assessment or forfeiture or costs, be, and the same are hereby, sustained, and judgment is hereby refused as to said several lands and lots.

And it is further considered and ordered by the court that wherever in said list there is marked or noted opposite the description of any land or lot "judgment refused" for any particular tax or assessment or forfeiture or costs or any portion thereof judgment is hereby refused against said land or lot for said particular tax or assessment or forfeiture or costs or such portion thereof as to which judgment is noted refused as aforesaid.

And it is further ordered that all other objections filed herein to the rendition of judgment against the lands and lots in the foregoing list described be, and the same are hereby, overruled.

And whereas due notice has been given of the intended applica-

tion for judgment against said lands and lots and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid thereon for the years herein set forth except where judgment has been refused as aforesaid, therefore it is considered and ordered by the court that judgment be, and is hereby, entered against the
284 aforesaid tracts of lots of land or parts of tracts or lots (as the case may be) for the sum annexed to the description of each, less any particular tax or assessment or forfeiture or back taxes or interest or costs for which judgment has been refused as aforesaid, being the amount of taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid severally thereon.

And it is ordered by the court that the said tracts or lots of land or so much of each of them as shall be necessary to satisfy the amount of taxes, assessments, forfeitures, back taxes, interest, and costs due and unpaid severally thereon be sold as the law directs.

M. R. M. WALLACE,
County Judge.

STATE OF ILLINOIS, }
County of Cook, } *ss:*

I, Hermann Lieb, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the foregoing is a correct record of the tracts, parcels of land, and town lots in the county of Cook and State of Illinois against which judgment was entered for delinquent taxes and special assessments of the years 1876 and back taxes and forfeitures to the State of the year 1875, etc., together with interest and costs due and unpaid thereon, by the county court of Cook county on the twelfth day of July, A. D. 1877, and of the orders of judgment and sale made and entered by said court on the date aforesaid.

In testimony whereof I have hereunto set my hand and
[SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this twenty-third day of July, A. D. 1877.

HERMANN LIEB,
Clerk of the County Court of Cook County.

285 STATE OF ILLINOIS, }
Cook of County, } *ss:*

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of the assessment for the general taxes of A. D. 1876, and also a true and correct copy of the collector's warrant, the town collector's delinquent list, the county collector's delinquent list, the county collector's published delinquent list, as published in "The Inter-Ocean" on the 18th day of May, A. D. 1877, with the certificate of the publisher of said newspaper thereto attached; also of the judgment record, with the order of judgment and sale entered by the county court, and

also a true and correct copy of the precept and record of sale, all being for said taxes of 1876, so far as the same relates to the property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and af-
[SEAL.] fixed the seal of said county court, at my office, in the city of Chicago, in said county, this 10th day of April, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

286 *Notice of Sale for Tax.*

To the owners or parties interested in the following-described lands and lots and to the persons in whose names the same were taxed or specially assessed and to whom it may concern:

This is to notify you that at a sale of lands and lots held in the city of Chicago, county of Cook, and State of Illinois, which said sale was commenced on the 23rd day of July, A. D. 1877, and was duly continued from day to day by adjournments duly announced, as provided by law, until the dates of the respective sales hereinafter mentioned, the same being reached in their regular order, the undersigned, Asahel Gage, purchased for taxes and special assessment authorized by and levied or assessed in compliance with the laws of the State of Illinois and taxed or specially assessed for the years hereinafter stated the following-described lands and lots, situate in the county of Cook and State of Illinois, on the days hereinafter particularly stated, and said lands and lots were taxed in the names hereinafter set forth, and the time of redemption of each of said lands and lots from the sale thereof will expire in two years from the date of each respective sale as stated below, to wit:

On the 27th day of August, 1877, I purchased lots 12 and 13, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north of range 14 east of the third principal meridian, taxed in the names of P. Caldwell and Peter Caldwell, taxed or specially assessed for the year 1876, and the time for redemption of said lands or lots from said sale will expire on the 27th day of August, 1879.

ASAHEL GAGE.

Chicago, April 21st, 22d, and 23rd, 1879.

287 This is to certify that the annexed notice was published in the Chicago Daily Evening Journal, a newspaper of general circulation printed and published in the city of Chicago, county of Cook, and State of Illinois, three (3) times, being one time a day for three (3) successive days, the date of the first paper containing the same being the 21st day of April, 1879, having been published and issued on that day, and the date of the last paper containing the same being the 23rd day of April, 1879, being published and issued

on that day, and that I have received 103.62 dollars for publishing the same.

Dated at Chicago, May 3rd, 1879.

HENRY W. FARRA, *Publisher.*

ASAHEL GAGE.

Filed Feb'y 3rd, 1880.

E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, } ss:
County of Cook, }

AUGUSTUS N. GAGE, of lawful age, being first duly sworn, doth depose and say that he resides in said county; that he is the agent and attorney of Asahel Gage, who purchased the lands or lots described in the certificates of purchase hereto attached at the tax sale mentioned therein; that said certificates hereto attached are the identical certificates of purchase issued to said Asahel Gage at said tax sale, and that the said Asahel Gage is the legal holder thereof; that more than three months and less than five months before the time for redemption of the land described in the said annexed certificates from the sale set forth therein expired the said Asahel
288 Gage published in the Chicago Daily Evening Journal, a newspaper of general circulation in said county and State, printed and published in the city of Chicago, in said county and State, a notice of the said purchase at said tax sale, which said notice was inserted and published in said newspaper three times, to wit, on the 21st and on the 22nd and on the 23rd days of April, A. D. 1879, the first time of such insertion being not more than five months and the last time being not less than three months before the time of said redemption expired; and deponent further says that the printed slip filed with the county clerk of said county, being a copy of said notice cut from one of the newspapers, and the certificate of publication thereof as aforesaid by the publisher of said newspaper are filed as further evidence of said publication as aforesaid.

And this affiant says that said Asahel Gage served or caused to be served written or printed or partly written and partly printed notices of purchase at said tax sale, as in other affidavits hereto attached more fully set forth, on every person in actual possession or occupancy of such land or lots, and also the persons in whose names the same were taxed or specially assessed, if upon diligent inquiry they could be found in said county, and a reasonable notice was given to the owners or parties interested in said land or lots at least three months before the expiration of the time of redemption on such sale, and that said notices stated when he purchased the land or lots, in whose names taxed, the description of the land or lots he has purchased, for what year taxed or specially assessed, and when the time of redemption will expire; and this affiant says that he has compared the affidavit hereto attached with the original memoranda of service of the respective parties making the same, and that the same are correct according to the original memoranda of service as aforesaid.

289 And this affiant says that the said land or lots have not been redeemed from the force and effect of said sale within the time and in the manner prescribed by law, and that he — the said Asahel Gage rely on the facts stated in this and other affidavits and the said certificates of purchase hereto annexed and the said publication notice and certificate thereof and compliance with the provisions of the constitution and laws of the State of Illinois in this behalf; and this affiant particularly says that all the conditions of section 216 of an act of the Legislature of the State of Illinois entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30th, 1872, and in force July 1st, 1872, have been strictly complied with, and therefore says that the said Asahel Gage has caused a reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property described in the notice hereto attached for the taxes or assessments therein described and when the time of redemption would expire, and has complied with all the provisions of the constitution and laws of the State of Illinois to entitle the said Asahel Gage to a deed or deeds of conveyance, and asks that a deed or deeds of conveyance vesting in said Asahel Gage the title to the land or lots described in the said annexed certificates of purchase may be issued as provided by law to said Asahel Gage.

AUGUSTUS N. GAGE.

Subscribed and sworn to June 24th, 1880, before me—

E. D. COOK,

[SEAL.] *Notary Public.*

290 *Affidavit, Service and Witness.*

STATE OF ILLINOIS, } *ss:*
County of Cook, }

CHARLES B. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the day hereinafter mentioned, being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, served a notice of which the annexed notice is a true copy on Peter Caldwell and Ann Caldwell, his wife, by handing the same to and leaving the same with Ann Caldwell personally, near the premises described in said notice, in the town of Lake, in said county, on the 5th day of December, A. D. 1878. Deponent is acquainted with the lands or lots mentioned in said notices, and the persons so served were the persons in actual possession or occupancy of said land or lots at least three months before the expiration of the time of redemption on the sale mentioned in said notice, to wit, on the 5th day of December, A. D. 1878.

And the said land or lots *was* taxed or specially assessed in the names of P. Caldwell and Peter Caldwell, and deponent served a notice of which the annexed notice is a true copy on P. Caldwell

and Peter Caldwell by leaving said notice with Ann Caldwell, as above stated.

CHARLES P. CALDWELL.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

291 STATE OF ILLINOIS, } ss:
County of Cook, }

ELI H. BUNKER, of lawful age, being duly sworn, says that he resides in said county, and is the agent of Asahel Gage; that as such agent deponent, on the dates mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield, on the dates and at the places mentioned in the foregoing affidavit, serve the notice above mentioned on the persons mentioned in the above affidavit, and this deponent further says that a copy of the annexed notice was served upon the said persons at the times, places, and in the manner and form as stated above.

ELI H. BUNKER.

Subscribed and sworn to this 15 day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

Affidavit, Service and Witness.

STATE OF ILLINOIS, } ss:
County of Cook, }

CHARLES P. WESTERFIELD, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the days hereinafter mentioned, being at least three months before the expiration of the time of redemption from the sale mentioned in the annexed notice, — of which the annexed notice is a true copy, on Peter Caldwell and P. Caldwell, the persons in whose names the land or lots described in said notice were taxed or specially assessed, by leaving the same with
292 Peter Caldwell personally, near the premises described in said notice, in the town of Lake, in said county, on the 4th day of April, A. D. 1879.

CHARLES P. WESTER—.

Subscribed and sworn to this 15th day of July, A. D. 1879, before me—

[SEAL.] TAYLOR A. SNOW,
Notary Public.

STATE OF ILLINOIS, } ss:
County of Cook, }

U. GEORGE TAYLOR, of lawful age, being duly sworn, says that he

resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the dates mentioned in the foregoing affidavit, accompanied, was present with, and witnessed Charles P. Westerfield, on the dates and at the places as mentioned in the foregoing affidavit, serve the notices above mentioned on the persons mentioned in the above affidavit, and this deponent further says that a copy of the annexed notice was served upon the said persons at the times, places, and in the manner and form as stated above.

U. GEORGE TAYLOR.

Subscribed and sworn to this 15th day of July, A. D. 1879.

[SEAL.] TAYLOR A. SNOW,
Notary Public.

293 *Notice of Sale for Tax.*

To whom it may concern:

This is to notify you that on the 27th day of August, 1877, I purchased the following-described real estate, situate in the county of Cook and State of Illinois, at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois, taxed in the name of P. Caldwell and Peter Caldwell, to wit:

Lots 11, 12, 13, and 14, in block 2, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north of range 14 east of the third principal meridian, taxed or specially assessed for the year 1876 for general taxes, and that the time of redemption thereof from said sale will expire on the 27th day of August, 1879.

ASAHEL GAGE.

Redemption may be made at the office of the county clerk.

294 State and county.

Certificate of Sale for Taxes of A. D. 1876, &c.

No. 1254. Volume 4, page 46.

STATE OF ILLINOIS, }
Cook County, } *ss:*

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, for judgment for the delinquent State, county, village, town, school, road, corporation, and park taxes and special assessments levied and assessed upon the lands and lots in the county of Cook and State of Illinois for the year 1876 and for judgment for the amount for which lands and lots were forfeited to the State of Illinois at the annual tax sale for State and county taxes for the year 1875, together with printer's fees, interest at ten per cent., and back taxes and costs remaining due and unpaid thereon and returned delinquent and unpaid by the town collectors of State and county taxes for said several

years, pursuant to law, a judgment was entered against the following-described lands or lots for so much of the said taxes and special assessments and the amount for which the same were forfeited to the State as aforesaid as were found to be due thereon and costs, being for the sum of eight dollars and 44 cents, as follows, to wit:

Taxes, etc., A. D. 1876	$8 04
Costs	40
Total	$8 44

And in and by said judgment it was ordered by said court
295 that said lands or lots or so much as should be sufficient to satisfy the amount of said judgment be sold as the law directs, to wit:

Lot 12, block 2, in Louis Heintz's subd'n of 24 acres E. & adj. W. 10 ac's of N. ½ N. ½ S. W. ¼, being part of lot 17 of assessor's division of S. W. ¼ section 4, town. 38 N., range 14 east, of the third principal meridian, situated in said Cook county.

And that in pursuance of the statute in such case made and provided process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 23rd day of July, A. D. 1877, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that A. Gage became the purchaser of the whole of said lands or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date hereof the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold, as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall, from and after the expiration of such one year, be absolutely null. If the holder of this certificate shall be prevented
296 from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereunto subscribed my name
[SEAL.] and affixed the seal of said county court, at Chicago, in said county, this 27th day of August, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court.

Countersigned.

L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

State and county.

Certificate of Sale for Taxes of A. D. 1876, &c.

No. 1255. Volume 4, page 46.

STATE OF ILLINOIS, } ss:
Cook County, }

This is to certify that at the June term, A. D. 1877, of the county court of said Cook county, on the application of Louis C. Huck, county treasurer and *ex officio* collector of the revenue of Cook county, for judgment for the delinquent State, county, village, town, school, road, and corporation and park taxes and special assessments levied and assessed upon the lands and lots in the county of Cook and State of Illinois for the year 1876, and for judgment for the amount for which lands and lots were forfeited to the State of Illinois at the annual tax sale for State and county taxes for
297 the year 1875, together with printer's fees, interest at ten per cent., and back taxes for said several years, pursuant to law, a judgment was entered against the following-described lands or lots for so much of the said taxes and special assessments and the amount for which the same were forfeited to the State as aforesaid as were found to be due thereon and costs, being for the sum of eight dollars and 44 cents, as follows, to wit:

Taxes, etc., A. D. 1876	$8 04
Costs	40
Total	$8 44

And in and by said judgment it was ordered by said court that said lands or lots or so much thereof as should be sufficient to satisfy the amount of said judgment be sold as the law directs, to wit: Lot 13, block 2, in Louis Heintz's subd'n of 24 ac's E. and ad. W. 10 ac's of N. ½ N. ½ S. W. ¼, being part of lot 17 of assessor's division of S. W. ¼ section 4, town. 38 N., range 14 east, of the third principal meridian, situated in said Cook county.

And that in pursuance of the statute in such case made and provided process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 23rd day of July, A. D. 1877, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that A. Gage became the purchaser of the whole of said lands or lots and paid thereon the sum aforesaid, that being the least quantity
298 of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years

from the date hereof the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold, as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall from and after the expiration of such one year be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereunto subscribed my name
[SEAL.] and affixed the seal of said county court, at Chicago, in said county, this 27th day of August, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court.

Countersigned.

L. C. HUCK,
Treasurer and ex Officio Collector of Cook County.

(Endorsed:) No. K 1197. State and county taxes and assessments of 1876 and other years. Filed and deed issued to Asahel Gage July 6th, A. D. 1880. E. F. C. Klokke, county clerk.

299 STATE OF ILLINOIS, } ss:
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of all notices, affidavits, and certificates of sale upon which tax deed No. K 1197, dated July 6th, A. D. 1880, was issued to Asahel Gage by the county clerk of Cook county, so far as the same relates to the property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this 10th day of April, A. D. 1883.

[SEAL.] M. W. RYAN,
Clerk of the County Court.

300 DEFENDANT'S EXHIBIT A. G.

THE UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss:
Cook County, }

I, M. A. Ryan, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the annexed and within is a true and correct copy of the plat of block 2, in Louis Heintze's subd'n of 24 acres east and adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of section 4, town. 38, range 14, showing its posi-

tion to adjoining blocks as shown by the county plat books in my possession.

In witness whereof I have hereunto set my hand and [SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this 10th day of November, A. D. 1884.

M. W. RYAN, *Clerk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Richard Prendergast, county judge of Cook county and sole presiding judge of the county court of Cook county, in the State of Illinois, do hereby certify that M. W. Ryan, Esq., whose name is subscribed to the foregoing certificate of attestation, now is and was at the time of signing and sealing the same the clerk of the
301 county court of Cook county aforesaid and keeper of the records and seal thereof, duly elected and qualified to office, and that full faith and credit are and of right ought to be given to all his official acts as such in all courts of record and elsewhere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at my chambers, in Chicago, this tenth day of November, A. D. 1884.

RICHARD PRENDERGAST, [SEAL.]
County Judge.

(Here follows diagram marked page 302.)

Process and Record of Sale on the Fifth Installment of South Park Assessment.

Names of owners and parties interested so far as known.	Description—part of lot, block, or section.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	Fifth installment, due Sept. 1, 1875. Dollars. Cts.	Costs. Dolls. Cts.	Interest, at the rate of 7 per cent. per annum, from Sept. 2, 1872, to date of judgement.	Total amount of judgement.	Remarks.	When sold—date.	Name of purchaser.	When redeemed—date.	By whom redeemed.	Amount deposited. Dollars. Cents.	No. of redemption certificate.	Certificate of sale cancelled—date.	No. of sale. †
	Assessor's division of S. W. ¼ ..... Louis Heintz' sub'n of 24 ac. E. and adj. W. 10 ac. of N. ½ N. ½ S. W. ¼, being part of.....	4	38	14			17															
P. Caldwell	.....	.....	.....	.....	12	2	17	.....	.....	97	40	32	1 69	.....	Aug. 16, 1877	A. Gage..	Deed issued..	*	.....	.....	.....	8680
"	.....	.....	.....	.....	13	"	"	.....	.....	97	40	32	1 69	.....	" " "	.....do	Deed issued..	*	.....	.....	.....	8681

*To Asahel Gage by E. F. C. Klokke, county clerk, June 30, A. D. 1880, No. K 1187.

† Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for fifth installment of South park assessment, and the sale is hereby cancelled and annulled.

the seal of the county court of Cook county, at Chicago, in said county, this twenty-third day of July, A. D. 1877.

[SEAL.] HERMANN LIEB,
Clerk of the County Court of Cook County.

308 UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss:
Cook County, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the annexed and within is a true and correct copy of the precept and record of sale for the fifth installment of South park assessment so far as the same relates to the premises described in the foregoing copy.

In witness whereof I have hereunto set my hand and [SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this 27th day of October, A. D. 1884.

M. W. RYAN, *Clerk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Richard Prendergast, county judge of Cook county and sole presiding judge of the county court of Cook county, in the State of Illinois, do hereby certify that M. W. Ryan, Esq., whose name is subscribed to the foregoing certificate of attestation, now is and was at the time of signing and sealing the same the clerk of the county court of Cook county aforesaid and keeper of the records and seal thereof, duly elected and qualified to office, and that full faith and credit are and of right ought to be given to all his official acts as such in all courts of record and elsewere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at my chambers, in Chicago, this twenty-seventh day of October, A. D. 1884.

[SEAL.] RICHARD PRENDERGAST,
County Judge.

309 EXHIBIT 3 GAGE.

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the twenty-eighth (28th) day of July, A. D. 1877, the following-described real estate was sold, to wit:

One and one-quarter (1¼) acres in southwest quarter (¼) of northwest quarter (¼) of section three (3), in township forty-two (42) north, range nine (9) east, of the third (3rd) principal meridian.

Also on the seventeenth (17th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots three (3), thirteen (13), fourteen (14), and fifteen (15), in block (4), and lots thirty-seven (37), thirty-eight (38), forty-seven (47), forty-eight (48), in

block six (6), all in Rosendale, being John N. Staples' subdivision of east half (½) of the east half (½) of the northwest quarter (¼) of section ten (10), in township thirty-eight (38) north, range thirteen (13) east, of the third (3rd) principal meridian.

Also on the sixteenth (16th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots twenty-four (24) and twenty-five (25), in block two (2), in A. J. Fawsett's subdivision of the west ten (10) acres of north half (½) of north half (½) and west five acres of north half (½) of west half (½) of south half (½) of north half (½) of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third (3rd) principal meridian, being the west five (5) acres of the northwest quarter (¼) of lot sixteen (16) and the west ten (10) acres of lot seventeen (17), in the assessor's division of the southwest quarter (¼) of said section four (4), and lots eleven (11), twelve (12), thirteen (13),
310 and fourteen (14), in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of the north half (½) of the southwest quarter (¼) of section four (4), being part of lot seventeen (17), in the assessor's division of the southwest quarter (¼) of said section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third (3rd) principal meridian, all situate in the county of Cook and State of Illinois.

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto said Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

The following provision of the revised statutes of said State of Illinois, being section 225 of chapter 120, is recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, the said certificate or deed and the sale on which it is based shall from an after the expiration of such one year be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court
or by the refusal of the clerk to execute the same, the time
311 he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this thirtieth (30th) day of June, A. D. 1880.

[SEAL.] E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, } ss:
County of Cook, }

On this thirtieth (30th) day of June, A. D. 1880, before me, J. P. Voswinkel, a notary public in and for said county, personally appeared E. F. C. Klokke, county clerk of said county of Cook, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[NOTARIAL SEAL.] J. P. VOSWINKEL,
Notary Public.

(Endorsed as follows:) No. K 1187. Tax deed. E. F. C. Klokke county clerk of Cook county, Illinois, to Asahel Gage.

STATE OF ILLINOIS, }
Cook County. }

No. 278,744.

This instrument was filed for record on the first day of July, A. D, 1880, at the hour of 1 o'clock p. m., and duly recorded in Book 1000 of Records, at page 303.

JAS. W. BROCKWAY,
Recorder of Deeds.

312 "EXHIBIT 4 GAGE."

STATE OF ILLINOIS, } ss:
County of Cook, }

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the third Monday (being the 21st day) of July, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-eighth.

Present thereat: Honorable Martin R. M. Wallace, judge of the county court of Cook county; Timothy M. Bradley, sheriff of Cook county.

Attest: JOSEPH POLLAK,
Clerk of the County Court of Cook County.

Court opened by proclamation.

In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of Cook county, Illinois, for judgment for delinquent State, county, town, school, and park taxes and special assessment for the year 1872.

Now, on this the twenty-first day of July, A. D. 1873, the same being the first day of the July term, A. D. 1873, of this court, comes

Julian S. Rumsey, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by Charles H. Reed, Esq., State's attorney, and makes application for judgment against the delinquent lands, town lots, and real estate in said county of Cook upon which the State, county, town, school, road, and park taxes and special assessments (except the first installment of the South park assessment) for the year 1872 remain due and
313 unpaid, the delinquent list of said taxes and special assessments being contained in twenty-four volumes, numbered from one to twenty-four, inclusive and hereinafter following; and James P. Root, Esq., county attorney, also appears on behalf of said county of Cook; and it appearing to the court from satisfactory evidence and the court finding that due notice of this application has been given, as required by statute, on motion it is ordered that any and all objections to the granting of said application be fixed by the coming in of this court on Wednesday, the twenty-third day of July, A. D. 1873, at ten o'clock a. m.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

County collector's delinquent list filed July 9th, 1873, in the office of the county clerk.

JOSEPH POLLAK,
Clerk of the County Court of Cook County.

Record of a list of the delinquent lands and lots in the county of Cook and State of Illinois on which remain due and unpaid the taxes and special assessments levied and assessed for the year A. D. 1872 (the first installment of the South park assessment excepted) and showing the names of the owners so far as know-, the proper description of the lands and lots, the valuation on which the tax is extended, the amount of each kind of tax and special assessment charged against each parcel of land or lot, and the costs and total amount charged against each parcel of land or lot respectively; all of which taxes and special assessments so levied and assessed for
said year 1872 Julian S. Rumsey, county treasurer and *ex*
314 *officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect; which said delinquent list was heretofore, to wit, on the 9th day of July, 1873, duly reported to the county clerk of Cook county by said county collector and duly filed in the office of said county clerk on that date:

Lake.

815

In whose name assessed.	Description.	Section.	Town.	Range.	Lot.	Sub lot.	Lot.	Block.	Acres.	Assessed valuation.	Equalized valuation by county board.	Equalized valuation by State board.	State tax.	County tax.	Town tax.	District school tax.	Delinquent road tax.	South park tax.	Tax.	Dollars. Cents.	Total of taxes—special assessments.	Cost.	Total amount of judgement.	Remarks.
										Dollars.	*Dollars.*	*Dollars.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	*Dollars. Cents.*	H. H. G.
Peter Caldwell	Louis Heintz' sub of 24 ac. E. & adj W. 10 ac. of N. ½ N. ½ S. W. ¼	4	38	11	.....	.....	12	24	.....	70	74	74	56	93	69	93	.....	47	.....	3 58	24	3 82		
	.....	.....	.....	.....	.....	.....	13	.....	.....	70	74	74	56	93	69	93	.....	47	.....	3 58	24	3 82		

316 STATE OF ILLINOIS, } ss:
County of Cook, }

I, Julian S. Rumsey, collector of the county of Cook, do solemnly swear that the foregoing is a true and correct record of the delinquent lands and lots within the county of Cook upon which I have been unable to collect the taxes and special assessments and printer's fees charged thereon, as required by law, for the year or years therein set forth; that said taxes, assessments, and printer's fees charged thereon now remain due and unpaid, as I verily believe.

JULIAN S. RUMSEY,
County Treasurer and ex Officio County Collector of Cook County.

Subscribed and sworn to before me this twenty-first day of July, A. D. 1873.

[SEAL.]

JOS. POLLAK,
Clerk of the County Court of Cook County.

STATE OF ILLINOIS, } ss:
County of Cook, }

County Court of Cook County. July Term, A. D. 1873.

TUESDAY, *July 29th, A. D.* 1873—10 o'clock a. m.

Court being in session.

Present thereat: Hon. Martin R. M. Wallace, judge of said court; Timothy M. Bradley, sheriff of Cook county.

Attest:

JOSEPH POLLAK,
Clerk of the County Court of Cook County.

In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for delinquent State, county, town, school, road, and park taxes and special assessments for the year 1872.

317 This day again comes Julian S. Rumsey, treasurer and *ex officio* collector of the revenue of Cook county, by Charles H. Reed, Esq., State's attorney, on behalf of the people of the State of Illinois, and also by James P. Root, Esq., attorney of Cook county, on behalf of said county; also come the several parties owners of and interested in the several lands and lots in the foregoing list described who have heretofore severally filed objections herein to the rendition of judgment against said lands and lots in which they are interested respectively; and the court having heard the evidence and the arguments of counsel, and having duly considered the same, and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in said list described opposite the description of which in said list the words "judgment refused" are written,

there being nothing written after said words to limit or confine said refusal of judgment to any particular tax or special assessment, be, and the same are hereby, sustained, and judgment is refused as to said several lands and lots. It is further considered and ordered by the court that wherever in said list there is noted opposite to the description of any land or lot that judgment is refused on or for any particular tax or assessment or costs judgment is hereby refused against said land or lot for said tax or assessment or costs as to which judgment is noted refused in said list as aforesaid; and whereas due notice has been given of the intended application for a judgment against said lands and lots, and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the taxes, special assessments, and costs due and unpaid thereon for the year herein set forth (except where judgment has been refused as aforesaid):

318 Therefore it is considered by the court that judgment be, and is hereby, entered against the aforesaid tract or tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to each, less any particular tax or assessment for which judgment has been noted in said list refused as aforesaid, being the amount of taxes, special assessments, and costs due and unpaid severally thereon.

And it is ordered by the court that the said several tracts or lots of land or so much of each of them as shall be sufficient to satisfy the amount of taxes, special assessments, and costs annexed to them severally due and unpaid thereon, as to which judgment has not been noted refused as aforesaid, be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

319 UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss:
Cook County, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the annexed and within is a true and correct copy of the judgment record for the general taxes of A. D. 1872, with the final order of judgment and sale made and entered by the county court of Cook county on July 29th, A. D. 1873, in so far as the same relates to the property described in the foregoing copy.

In witness whereof I have hereunto set my hand and affixed the seal of the county court of Cook county, at Chicago, in said county, this 22d day of November, A. D. 1884.

[SEAL.]

M. W. RYAN, *Clerk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Richard Prendergast, county judge of Cook county and sole presiding judge of the county court of Cook county, in the State

of Illinois, do hereby certify that M. W. Ryan, Esq., whose name is subscribed to the foregoing certificate, now is and was at the time of signing and sealing the same the clerk of the county court of Cook county aforesaid and keeper of the records and seal thereof, duly elected and qualified to office, and that full faith and credit are and of right ought to be given to all his official acts as such in all courts of record and elsewhere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at my chambers, in Chi-
[SEAL.] cago, this twenty-second day of November, A. D. 1884.

RICHARD PRENDERGAST,
County Judge.

Exhibit 5 Gage.

Lake.

Process and Record of Sale for Taxes and Assessments of A. D. 1872.

Names.	Description—part of lot, block, or section.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	State tax.	County tax.	Town tax.	School tax.	South park tax.	Costs.	Total amount of judgment.	When sold—date.	Name of purchaser.†
										Dollars. *Cts.*	*Dollars.* *Cents.*	*Dollars.* *Cents.*	*Dollars.* *Cents.*	*Dollars.* *Cts.*	*Dollars.* *Cents.*	*Dollars.* *Cts.*		
Peter Caldwell	Louis Heintz' subd. of 24 ac. E. & adj. W. 10 a. of N. ½ N. ½ S. W. ¼	4	38	14			12	2	.....	56	93	69	93	47	24	3 82	Aug. 29, 1873	Henry Gage.*
"	"	.....	.....	.....	.....	.....	13	"	.....	56	93	69	93	47	24	3 82	"	Do.*

* Deed issued to Asahel Gage by Herman Lieb, county clerk, July 24th, 1876, No. 767.

† Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for taxes of the above year, and the name is hereby cancelled and annulled.

321 STATE OF ILLINOIS, } ss:
County of Cook, }

County Court of Cook County. July Term, A. D. 1873.

TUESDAY, *July 29th, A. D.* 1873—10 o'clock a. m.

Court being in session.

Present thereat: Hon. Martin R. M. Wallace, judge of said court Timothy M. Bradley, sheriff of Cook county.

Attest: JOSEPH POLLAK,
Clerk of the County Court of Cook County.

In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for delinquent State, county, town, school, road, and park taxes and special assessments for the year 1872.

This day again comes Julian S. Rumsey, treasurer and *ex officio* collector of the revenue of Cook county, by Charles H. Reed, Esq., State's attorney, on behalf of the people of the State of Illinois, and also by James P. Root, Esq., attorney of Cook county, on behalf of said county; also come the several parties owners and interested in the several lands & lots in the foregoing list described who have heretofore severally filed objections herein to the rendition of judgment against said lands and lots in which they are interested respectively; and the court having heard the evidence and the arguments of counsel, and having duly considered the same, and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in said list described opposite the description of which in said list the words "judgment refused" are
322 written, there being nothing written after said words to limit or confine said refusal of judgment to any particular tax or special assessment, be, and the same are hereby, sustained, and judgment is refused as to said several lands and lots.

It is further considered and ordered by the court that whenever in said list there is noted opposite to the description of any land or lot that judgment is refused on or for any particular tax or assessment or costs judgment is hereby refused against said land or lot for said tax or assessment or costs as to which judgment is noted or refused in said list as aforesaid.

And whereas due notice has been given of the intended application for a judgment against said lands and lots, and no sufficient defense having been made or cause shown why judgment should not be entered against said lands and lots for the taxes, special assessments, and costs due and unpaid thereon for the year herein set forth (except where judgment has been refused as aforesaid): Therefore it is considered by the court that judgment be, and is hereby, entered against the aforesaid tract or tracts of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to each, less any particular tax or assessment

for which judgment has been noted in said list refused as aforesaid, being the amount of taxes, special assessments, and costs due and unpaid severally thereon.

And it is ordered by the court that the said several tracts or lots of land or so much of each of them as shall be sufficient to satisfy the amount of taxes, special assessments, and costs annexed to them severally due and unpaid thereon, as to which judgment has not been ordered refused as aforesaid, be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

323 STATE OF ILLINOIS, } ss:
County of Cook, }

I, Joseph Pollak, clerk of the county court of Cook county, in the county and State aforesaid, do hereby certify that the foregoing is a correct record of the tracts, parcels of land, and town lots in the city of Chicago and in the county of Cook against which judgment was entered for delinquent taxes and special assessments for the year 1872 by the county court of Cook county on the 29th day of July, A. D. 1873, and of the orders of judgment and sale made and entered by said court on the date aforesaid.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this 18th day of August, A. D. 1873.

JOS. POLLAK,
Clerk of the County Court of Cook County.

324 UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss:
Cook County, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the annexed and within is a true and correct copy of the precept and record of sale for the general taxes of A. D. 1872, in so far as the same relates to the property described in the foregoing copy.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this 27th day of October, A. D. 1884.

M. W. RYAN, *Clerk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Richard Prendergast, county judge of Cook county and sole presiding judge of the county court of Cook county, in the State of Illinois, do hereby certify that M. W. Ryan, Esq., whose name is subscribed to the foregoing certificate of attestation, now is and was at the time of signing and sealing the same the clerk of the county court of Cook county aforesaid and keeper of the records and seal

thereof, duly elected and qualified to office, and that full faith and credit are and of right ought to be given to all his official acts as such in all courts of record and elsewhere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at my chambers, in Chicago, this 27th day of October, A. D. 1884.

RICHARD PRENDERGAST, [SEAL.]
County Judge.

325 STATE OF ILLINOIS, } ss:
County of Cook, }

ASAHEL GAGE, of lawful age, being first duly sworn, doth depose and say that he relies on the facts stated in this and other affidavits hereto annexed and the certificates as compliance with the provisions of the constitution and laws of this State in this behalf, and therefore says that he, this affiant, has complied with all the provisions of the constitution and laws of this State to entitle him or his assignee to a deed or deeds, and asks that a deed or deeds may be issued, as provided by law, on the land described in the annexed certificates of tax sale to this affiant.

ASAHEL GAGE.

Subscribed and sworn to this 27th day of June, 1876, before me—
[SEAL.] AUGUSTUS N. GAGE,
Notary Public.

Affidavit—Occupant Served, Assessee Served.

STATE OF ILLINOIS, } ss:
County of Cook, }

EDWARD L. COUCH, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the 14th day of August, A. D. 1874, served a notice of which the annexed notice is a true copy on Peter Caldwell by handing the same to and leaving the same with him, said Peter Caldwell, in said county. Deponent is acquainted with the premises mentioned in said notice, and the person so served was the only person in possession thereof three months before the time of redemption from the sale mentioned in said notice expired,
326 to wit, on the 14th day of August, A. D. 1874, and for more than thirty days previous and subsequent thereto; but the said premises were taxed in the name of Peter Caldwell, and deponent served a notice of which the annexed notice is a true copy on said Peter Caldwell by handing the same to and leaving the same with him, said Peter Caldwell, in said county, on the 14th day of August, A. D. 1874.

EDWARD L. COUCH.

Sworn to this 3rd day of January, A. D. 1876, before me—
[SEAL.] AUGUSTUS N. GAGE,
Notary Public.

Notice of Sale for Tax.

To —— —— or whom it may concern:

This is to notify you that on the 29th day of August, 1873, Henry H. Gage purchased, and afterwards assigned the certificate of purchase to the undersigned, at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois, the following-described real estate, taxed in the name of Peter Caldwell, to wit: Lots 11, 12, 13, 14, and 15, in block 2, and lots 1, 2, 3, 4, and 15, in block 3, in Louis Heintz's subdivision of 24 acres E. a. adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north of range 14 east of the third principal meridian—said taxes and special assessments were levied for the year 1872—and that the time of redemption thereof from said sale will expire on the 29th day of August, 1875.

ASAHEL GAGE.

Certificate of Sale for Taxes of A. D. 1872.

No. 327. Volume 1, page 181.

STATE OF ILLINOIS, } ss:
Cook County, }

327 This is to certify that at the July term, A. D. 1873, of the county court of said Cook county, on the application of Julian S. Rumsey, treasurer and *ex officio* collector of said county, for judgment against lands and lots for State, county, town, school, road, and park taxes and special assessments assessed, and levied for the year A. D. 1872 and returned delinquent and unpaid by the town collectors of State and county taxes for the year A. D. 1872 pursuant to law, a judgment was entered against the following-described lands or lots for so much of the said taxes and special assessments as were found to be due thereon and costs, being for the sum of twenty-two dollars and 92 cents, and in and by said judgment it was ordered by said court that said lands or lots, or so much thereof as should be sufficient to satisfy the amount of said judgment, be sold as the law directs, to wit:

Lots 8, 11, 12, 13, 14, and 15, block 2, in Louis Heintz' subd'n of 24 acres E. and adj. W. 10 A. of N. ½ N. ½ S. W. ¼ section 4, town. 38, range 14 east, of 3rd principal meridian, situated in said Cook county.

And that, in pursuance of the statute in such case made and provided, process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 18th day of August, A. D. 1873, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced, and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum

aforesaid, and that Henry H. Gage became the purchaser of all of said land or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

328 Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date hereof, the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold as by law directed. Unless the holder of this certificate takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then this certificate shall from and after the expiration of such one year be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereto subscribed my name and affixed the seal of said county court, at Chicago, in said county, this 29th day of August, A. D. 1873.

JOS. POLLAK,
[SEAL.] *Clerk of the County Court.*

Countersigned.

J. S. RUMSEY,
Treasurer and ex Officio Collector of Cook County.

For a valuable consideration I hereby endorse, assign, transfer, and set over the within certificate to Asahel Gage.

Without recourse.

HENRY H. GAGE.

For a valuable consideration I hereby cancel of record the sale of lot eight (8) described in the within certificate this 3d day of February, 1874.

ASAHEL GAGE.

No. 767.

Filed and deed issued to Asahel Gage July 24th, 1876.

H. LIEB, *Clerk.*

329 UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss:
Cook County, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State of Illinois aforesaid, do hereby certify that the annexed and within is a true and correct copy of the affidavits, notices, and the certificate of sale on which tax deed No. 767, dated July 24th, A. D. 1876, was issued to Asahel Gage by the county clerk of Cook county in so far as the same relates to the premises described in the foregoing copy.

In witness whereof I have hereunto set my hand and affixed the seal of the county court of Cook county, at Chicago, in said county, this 24th day of October, A. D. 1884.

[SEAL.]

M. W. RYAN, *Clerk.*

STATE OF ILLINOIS, } ss:
County of Cook, }

I, Richard Prendergast, county judge of Cook county and sole presiding judge of the county court of Cook county, in the State of Illinois, do hereby certify that M. W. Ryan, Esq., whose name is subscribed to the foregoing certificate of attestation, now is and was at the time of signing and sealing the same the clerk of the county court of Cook county aforesaid and keeper of the records and seal thereof, duly elected and qualified to office, and that full faith and credit are and of right ought to be given to all his official acts as such in all courts of record and elsewhere, and that his said attestation is in due form of law and by the proper officer.

Given under my hand and seal, at my chambers, in Chicago, this 24th day of October, A. D. 1884.

RICHARD PRENDERGAST, [SEAL.]
County Judge.

[SEAL.]

330 EXHIBIT 7 GAGE.

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the eighth (8th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots eleven (11), twelve (12), thirteen (13), and fourteen (14), in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of north half (½) of the southwest quarter (¼) of section four (4), being part of lot seventeen (17), in the assessor's division of southwest quarter (¼) of said section four (4), and lots twenty-six (26) and twenty-seven (27), in block two (2), in Jackson and Weage's subdivision of south half (½) of south twenty-five (25) acres of northwest quarter (¼) of northeast quarter (¼) of section nine (9), and sub-lot four (4) of lot thirteen (13) and sub-lot one (1) of lot sixteen (16) and sub-lots one (1) and four (4) of lot twenty-one (21), all in block one (1) and all in Carr's resubdivision of part of Kinzie's subdivision of the southwest quarter (¼) of the southeast quarter (¼) of section nine (9), and lots one (1) and four (4), in block four (4), in Peter Shimp's second (2nd) subdivision of four (4) acres in northeast part of southeast quarter (¼) of southeast quarter (¼) of section nine (9), and sub-lot thirteen (13) of lot two (2), in Nichols' and McKindley's subdivision of that part of lot nine (9) west of railroad, in the school trustees' subdivision of section sixteen (16), all in township thirty-eight (38) north, range fourteen (14) east, of the third (3rd) principal meridian.

Also on the sixth (6th) day of August, A. D. 1877, the following-
described real estate was sold, to wit: Sub-lot four (4) of lot
331 thirty-six (36), in block two (2), in Carr's resubdivision of
par tof Kinzie's subdivision of the southwest quarter (¼) of the southeast quarter (¼) of section nine (9), and except the south thirty-seven and one-half (37½) feet of lots twenty-three (23), twenty-four (24), and twenty-five (25), in block three (3), in Ira J. Nicholes' subdivision of the east half (½) of lots fifteen (15) and sixteen (16), in the school trustees' subdivision of section sixteen (16), all in township thirty-eight (38) north, range fourteen (14) east, of the third (3d) principal meridian.

Also on the first (1st) day of August, A. D. 1877, the following-described real estate was sold, to wit: The undivided half (½) of lot eight (8), in a subdivision of ten and sixty-two one-hundredths (10.62) acres (including private road) east and adjoining the west thirty-three (33) acres northeast of plank road of northeast quarter (¼) of section thirty-six (36), in township forty (40) north, range thirteen (13) east, of the third (3rd) principal meridian, all situate in the county of Cook and State of Illinois.

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

The following provision of the revised statutes of said
332 State of Illinois, being section 225 of chapter 120, is recited
pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires, the said certificate or deed and the sale on which it is based shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this third (3d) day of July, A. D. 1880.

[SEAL.] E. F. C. KLOKKE,
County Clerk.

STATE OF ILLINOIS, }
County of Cook, City of Chicago, } ss:

On this third (3rd) day of July, A. D. 1880, before me, J. P. Voswinkel, a notary public in and for said county, personally appeared

E. F. C. Klokke, county clerk of said county of Cook, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[NOTARIAL SEAL.] J. P. VOSWINKEL,
Notary Public.

333 Endorsed as follows: No. K 1191. Tax deed. E. F. C. Klokke, county clerk of Cook county, Illinois, to Asahel Gage.

STATE OF ILLINOIS, }
Cook County. }

No. 279,617.

This instrument was filed for record on the 8 day of July, A. D. 1880, at the hour of 3 o'clock p. m., and duly recorded in Book 1005 of Records, at page 376.

JAS. W. BROCKWAY,
Recorder of Deeds.

STATE OF ILLINOIS, }
Cook County, } ss:

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the twenty-ninth day of August, A. D. 1873, the following-described real estate was sold, to wit:

Lots eleven (11), twelve (12), thirteen (13), fourteen (14), and fifteen (15), in block two (2), and lots one (1), two (2), three (3), four (4), and fifteen (15), in block three (3), and lot nine (9), in block four (4), and lots fourteen (14) and fifteen (15), in block five (5), in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining the west ten (10) acres of the north half (½) of the north half (½) of the southwest quarter (¼) of section four (4), township thirty-eight (38) north, range fourteen (14) east, of the third principal meridian, all situated in said Cook county, State of Illinois.

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of Illinois
334 necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, Hermann Lieb, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

The following provision of section 225 of chapter 120 of the revised statutes of said State of Illinois is hereby recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at

any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires the said certificate or deed and the sale on which it is based shall from and after the expiration of such one year be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court or by the refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this 24th day of July, A. D. 1876.

[SEAL.] HERMANN LIEB,
County Clerk.

STATE OF ILLINOIS, } ss:
County of Cook, }

On this 24th day of July, A. D. 1876, before me, Erwin Mack, a notary public in and for the county of Cook aforesaid, personally appeared Hermann Lieb, county clerk of said county of Cook,
335 personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[NOTARIAL SEAL.] ERWIN MAACK,
Notary Public.

Endorsed as follows: 767. Tax deed. Hermann Lieb, county clerk of Cook county, Illinois, to Asahel Gage.

STATE OF ILLINOIS, }
Cook County. }

No. 97178.

This instrument was filed for record on the 3 day of Aug., A. D. 1876, at the hour of 3 o'clock p. m., and duly recorded in Book 641 of Records, at page 451.

JAMES STEWART,
Recorder of Deeds.

STATE OF ILLINOIS, } ss:
Cook County, }

Whereas at a public sale of real estate for the non-payment of taxes made in the county aforesaid on the twenty-eighth (28) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lot forty-five (45), in block two (2), in Pliares' subdivision of lots four (4), five (5), six (6), and seven (7), in S. H. Kerfoot's subdivision of north half (½) of northeast quarter (¼) of the northeast quarter (¼) of section one (1), and lots three (3), thirteen (13), fourteen (14), and fifteen (15), in block four (4), and lots thirty-seven (37),
336 thirty-eight (38), forty-seven (47), and forty-eight (48), in block six (6), all in Rosedale, being John N. Staples' subdivision of

east half (½) of east half (½) of northwest quarter (¼) of section ten (10), all in township thirty-eight (38) north, range thirteen (13) east, of the third (3rd) principal meridian.

Also on the seventh (7th) day of August, A. D. 1877, the following-described real estate — sold, to wit: Lots twenty-four (24), twenty-five (25), in block two (2), in A. J. Fawsett's subdivision of west — (10) acres of north half (½) of north half (½) and west five (5) acres of north half (½) of west half (½) of south half (½) of north half (½) of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14), being west five (5) acres of northwest quarter (¼) of lot sixteen (16) and the west ten acres of lot seventeen (17), in assessor's division of southwest quarter (¼) of section four (4).

Also on the twenty-seventh (27th) day of August, A. D. 1877, the following-described real estate was sold, to wit: Lots eleven (11), twelve (12), thirteen (13), and fourteen (14), in block two (2), and lot fifteen (15), in block three (3), all in Louis Heintz's subdivision of twenty-four (24) acres east and adjoining west ten (10) acres of north half (½) north half (½) of southwest quarter (¼), being part of lot seventeen (17) of assessor's division of southwest quarter (¼) of section four (4), in township thirty-eight (38) north, range fourteen (14) east, of the third (3rd) principal meridian, all situate in the county of Cook and the State of Illinois.

And whereas the same not having been redeemed from said sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of the State of
337 Illinois necessary to entitle him to a deed of said real estate:

Now, therefore, know ye that I, E. F. C. Klokke, county clerk of said county of Cook, in consideration of the premises and by virtue of the statutes of the State of Illinois in such cases provided, do hereby grant and convey unto Asahel Gage, his heirs and assigns forever, the said real estate heremabefore described, subject, however, to any redemption provided by law.

The following provision of the Revised Statutes of said State of Illinois, being section 225 of chapter 120, is recited pursuant to law:

"Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out the deed as entitled by law and files the same for record within one year from and after the time for redemption expires the said certificate or deed and the sale on which it is based shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction or order of any court or by the refusal of the clerk to execute the same, the time he is so prevented shall be excluded from the computation of such time."

Given under my hand and the seal of our court this sixth (6th) day of July, A. D. 1880.

E. F. C. KLOKKE,
County Clerk.

[SEAL.]

338 STATE OF ILLINOIS, } ss:
County of Cook, City of Chicago, }

On this sixth (6th) day of July, A. D. 1880, before me, J. P. Voswinkel, a notary public in and for said county, personally appeared E. F. C. Klokke, county clerk of said county of Cook, personally known to me to be the real person whose name is subscribed to the within deed as having executed the same, and acknowledged that he executed the same as such county clerk voluntarily and freely for the uses and purposes therein set forth.

Given under my hand and notarial seal the day and year aforesaid.

[NOTARIAL SEAL] J. P. VOSWINKEL,
Notary Public.

Endorsed as follows: No. K 1197. Tax deed. E. F. C. Klokke, county clerk of Cook county, Illinois, to Asahel Gage.

STATE OF ILLINOIS, } ss:
Cook County, }

No. 279,652.

This instrument was filed for record on the 9th day of July, A. D. 1880, at the hour of 9 o'clock a. m., and duly recorded in Book 967 of Records, at page 636.

JAMES W. BROCKWAY,
Recorder of Deeds.

339 EXHIBIT 41 BANI.

Delinquent List of Taxable Lands, Town Lots, and Blocks in the Town of Lake, County of Cook, and State of Illinois, Assessed for the Year 1872

In whose name assessed.	Subdivision of lot.	Lot.	Sub-lot.	Lot.	Block.	Assessed valuation.	Equalized by county board.	Equalized by State board.	State tax.	County tax.	Town tax.	School tax.	South park tax.	Tax.	Total amount delinquent.
						Dollars.	*Dollars.*	*Dollars.*	*Dollars. Cts.*	*Dollars. Cts.*	*Dollars. Cts.*	*Dollars. Cts.*	*Dollars. Cts.*	*Dollars. Cts.*	*Dollars. Cts.*
	Louis Heintz' sub'n of 24 a. E. & adj. W. 10 ac. of N. ½ N. ½ S. W. ¼ sec. 4. town. 38, *town.* 38, range 14.														
Peter Caldwell				12	2	70	74	74	56	93	69	93	47	------	3 58
"				13	"	70	74	74	56	93	69	93	47	------	3 58

340 STATE OF ILLINOIS, } ss:
Cook County, }

Daniel Burcky, collector of the town of Lake, in Cook county State aforesaid, being first duly sworn, says that the above and foregoing is a full, true, and correct list of all the real estate in his town as the same is described in the tax book annexed to the warrant delivered to him for the year 1872 and on which the taxes remain due and unpaid, together with the names of the persons — whom listed and the amount of each kind of tax charged therein; that the taxes therein set forth remain due and unpaid; that he has used due diligence to collect the same; that the said list is correct, and the facts therein stated are true and correct.

DANIEL BURCKY,
Collector of Town of Lake.

Sworn to and subscribed before me this 20th day of March, A. D. 1873.

WILLIAM BEYE,
[SEAL.] *Notary Public, Cook County, Ills.*

Filed July 9th, 1873, in the office of the county court.

JOS. POLLAK,
County Clerk of Cook County.

341 A list of the delinquent lands and lots in the county of Cook and State of Illinois on which remain due and unpaid the taxes and special assessments levied and assessed for the year 1872 (the first installment of the South park assessment excepted) and showing the names of the owners so far as known, the proper description of the lands and lots, the valuation on which the tax is extended, the amount of each kind of tax and special assessment charged against each parcel of land or lot; all of which taxes and special assessments so levied and assessed for said year 1872 Julian S. Rumsey, county treasurer and *ex officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect, and which said list is this day reported to the county clerk of said county by said county collector and duly filed:

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Lake.

In whose name assessed.	Description.	Section.	Town.	Range.	Sub-lot.	Lot.	Block.	Acres.	Assessed valuation.	Equalized valuation by county board.	Equalized valuation by State board.	State tax.	County tax.	Town tax.	District school tax.	Delinquent road tax.	South park tax.	Tax.	Tax.	Total of taxes and special assessments.	Co-t.	Total amount of judgement.
									Dollars.	*Dollars.*	*Dollars.*	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cents.	*Dollars.* Cts.	*Dollars.* Cents.
Peter Caldwell	Louis Heintz subd. of 24 sec. E. & adj. W. 10 a. of N. ½ N. ½ S. W. ¼	4	38	14		12	24		70	74	74	56	93	69	93		47			3 58		3 58
						13			70	74	74	56	93	69	93		47			3 58		3 58

343 STATE OF ILLINOIS, } ss:
County of Cook, }

Julian S. Rumsey, county treasurer and *ex officio* collector of Cook county, being first duly sworn, deposes and says that the foregoing is a true and correct list of the delinquent lands and lots in the county of Cook and State of Illinois on which remain due and unpaid the taxes and special assessments levied and assessed for the year A. D. 1872 (the first installment of the South park assessment excepted) and showing the names of the owners so far as known, the proper description of the lands and lots, the valuation on which the tax is extended, the amount of each kind of tax and special assessment charged against each parcel of land or lot; all of which taxes and special assessments so levied and assessed for said year 1872 he, the said Julian S. Rumsey, county treasurer and *ex officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect, and which said list is this day reported to the county clerk of said county by said county collector and duly filed, and that said taxes and assessments are due and unpaid on each of said parcels of land and lots, as he verily believes.

JULIAN S. RUMSEY,
County Treasurer and ex Officio Collector of Cook County.

Subscribed and sworn to before me this 9th day of July, A. D. 1873.

[SEAL.] JOSEPH POLLAK,
County Clerk.

344 Cook county.

Delinquent Tax List.

Office of the county treasurer and *ex officio* county collector of Cook county, Illinois.

CHICAGO, *June 28th*, 1873.

The following list, the caption of which is "list number one," is a list of delinquent lands and lots in the county of Cook and State of Illinois upon which remain due and unpaid the taxes and special assessments levied and assessed for the year 1872 (embracing only the delinquent taxes and special assessments contained and set forth in the delinquent returns made to the county collector by the several town collectors of said county), together with the names of the owners thereof so far as known and the total amount of such taxes and special assessments due and unpaid on each tract and lot.

The figures in "list number one," in column headed "total tax," represent the amount of taxes and special assessments, if any, assessed on the property described.

The several towns in Cook county in which "list number one" shows delinquent lands and lots are arranged in the following order, to wit: Hanover, Barrington, Schaumberg, Palatine, Lemont, Elk Grove, Wheeling, Orland, Palos, Lyons, Riverside, Proviso, Leyden, Maine, Northfield, Rich, Bremen, Worth, Lake, Cicero, Jefferson,

Niles, New Trier, Bloom, Thornton, Calumet, Hyde Park, Lake View, Evanston, South Chicago, West Chicago, and North Chicago.

List Number One, Lake.

Louis Heintz' subdivision of 24 ac. E. and adj. W. 10 ac. of N. h'lf N. h'f S. W. qr. sec. 4, T. 38, R. 14.

	Lot.	Block.	To'l tax.
Peter Caldwell	12	2	3 58
Do.	13	2	3 58

345 Public notice is hereby given that the undersigned, county treasurer and *ex officio* county collector of Cook county, State of Illinois, will apply to the county court of said county, at the July term thereof, to commence on the third Monday in July, A. D. 1873, being the twenty-first (21) day of July, 1873, for judgment against the delinquent lands and lots described in the foregoing list, the caption of which is "list number one," for the taxes, special assessments, and costs due thereon and for an order to sell said lands and lots for the satisfaction thereof, and also that on the fourth Monday next succeeding the third Monday in July, 1873, being the eighteenth (18) day of August, A. D. 1873, at the hour of 10 o'clock a. m., all the lands and lots described in said "list number one" against which judgment shall be rendered, and for the sale of which an order shall be made, will be exposed to public sale at the old court-house, in the city of Chicago, being the building where the county court is held in said county, for the amount of taxes, special assessments, interest, and costs due thereon.

Dated Chicago, June 28th, 1873.

JULIAN S. RUMSEY,
Treasurer and ex Officio County Collector of Cook County, State of Illinois.

This is to certify that the annexed and foregoing list of delinquent lands, lots, and real estate (headed "list number one"), with the notice thereto attached, was published and advertised once in the Chicago Evening Post, a daily newspaper in the county of Cook and State of Illinois, and that the whole of said advertisement was contained in one edition of said newspaper and its supplement, the said newspaper being a newspaper of general circulation throughout said county, and that the date of the paper containing the same was the twenty-eighth (28th) day of June, A. D. 1873.

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That said delinquent list and notice have been published for the time required by law; that the Post Printing Company, a corporation duly organized under the laws of the State of Illinois and doing business in the county and State aforesaid, are the printers, proprie-

tors, and publishers of said newspaper; that David Blakely is the president and Lucien B. Colbey is the secretary of said corporation.

In witness whereof the said Post Printing Company has caused this certificate to be signed by the president and the secretary of said company and the seal of said company to be affixed hereto this the 14th day of July, A. D. 1873.

D. BLACKELY,
[SEAL.] *President of the Post Printing Company.*
LUCIEN B. COLBEY,
Secretary of Post Printing Company.

I, Lucien B. Colbey, do hereby certify that I am the treasurer and financial officer of the corporation known as the Post Printing Company; that said company are the printers, proprietors, and publishers of the newspaper known as the Chicago Evening Post, a public newspaper published in the county of Cook and State of Illinois and of general circulation throughout said county, and that the annexed and foregoing list of delinquent lands and lots headed "list number one" and the notice thereto attached was published and advertised once in the said newspaper; that the whole of said advertisement was contained in one edition of said newspaper and its supplement, and that the date of the paper containing the same was the twenty-eighth day of June, A. D. 1873; that the foregoing certificate signed by him as secretary of the Post Printing Company is true in substance and fact.

347 Dated Chicago, Ills., July 14, 1873.

LUCIEN B. COLBEY,
Financial Officer and Manager Chicago Evening Post.

STATE OF ILLINOIS, }
Cook County. }

Lucien B. Colbey, being first duly sworn, says that both the foregoing certificates subscribed by him are true in substance and in fact.

LUCIEN B. COLBEY.

Subscribed and sworn to before me this fifteenth day of July, A. D. 1873.

[SEAL.] WILLIAM BEYE,
Notary Public.

STATE OF ILLINOIS, }
County of Cook, } *ss:*

Pleas before the Honorable Martin R. M. Wallace, sole presiding judge of the county court of Cook county, in the State of Illinois, at a term of said court begun and held at the court-house, in Chicago, in said county, on the third Monday (being the 21st day) of July, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-eighth.

Present thereat: Honorable Martin R. M. Wallace, judge of the

county court of Cook county; Timothy M. Bradley, sheriff of Cook county.

Court opened by proclamation.

Attest: JOSEPH POLLAK,
Clerk of the County Court of Cook County.

348 In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of Cook county, Illinois, for judgment for delinquent State, county, town, school, and park taxes and special assessments for the year 1872.

Now, on the twenty-first day of July, A. D. 1873, the same being the first day of the July term, A. D. 1873, of this court, comes Julian S. Rumsey, county treasurer and *ex officio* collector of the revenue of Cook county, in the State of Illinois, by Charles H. Reed, Esq., State's attorney, and makes application for judgment against the delinquent lands, town lots, and real estate in said county of Cook upon which the State, county, town, school, road, and park taxes and special assessments (except the first installment of the South park assessment) for the year 1872 remain due and unpaid, the delinquent list of said taxes and special assessments being contained in twenty-four volumes, numbered from one to twenty-four, inclusive, and hereinafter following; and James P. Root, Esq., county attorney, also appears on behalf of said county of Cook; and it appearing to the court from satisfactory evidence and the court finding that due notice of this application has been given as required by statute, on motion it is ordered that any and all objections to the granting of said application be filed by the coming in of this court on Wednesday, the twenty-third day of July, A. D. 1873, at 10 o'clock a. m. M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

County collector's delinquent list. Filed July 9th, 1873, in the office of the county court. JOSEPH POLLAK,
Clerk of the County Court of Cook County.

349 Record of a list of the delinquent lands and lots in the county of Cook and State of Illinois on which remain due and unpaid the taxes and special assessments levied and assessed for the year A. D. 1872 (the first installment of the South park assessment excepted) and showing the names of the owners so far as known, the proper description of the lands and lots, the valuation on which the tax is extended, the amount of each kind of tax and special assessment charged against each parcel of land or lot, and the costs and total amount charged against each parcel of land or lot respectively; all of which taxes and special assessments so levied and assessed for said year 1872 Julian S. Rumsey, county treasurer and *ex officio* county collector of the taxes of Cook county, State of Illinois, has been unable to collect; which said delinquent list was heretofore, to wit, on the 9th day of July, 1873, duly reported to the county clerk of Cook county by said county collector and duly filed in the office of said county clerk on that day:

In whose name assessed.	Description.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	Assessed valuation.	Equalized valuation by county board.	Equalized valuation by State board.	State tax.	County tax.	Town tax.	District school tax.	Delinquent road tax.	South park tax.	Tax.	Dollars. Cents.	Total of taxes and special assessments.	Cost.	Total amount of judgement.	Remarks.
										Dollars.	Dollars.	Dollars.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Aug. 29th. H. H. G.
Peter Caldwell	Louis Heintz' subd'n of 24 a. E. & adj. W. 10 a. of N. ½ N. ½ S. W. ¼	4	38	14			12	2		70	74	74	56	93	69	93		47			3 58	24	3 82	
"	"	"	"	"	"	"	13	"		70	74	74	56	93	69	93		47			3 58	24	3 82	

Lake.

350

351 STATE OF ILLINOIS, } ss:
County of Cook, }

I, Julian S. Rumsey, collector of the county of Cook, do solemnly swear that the *following* is a true and correct record of the delinquent lands and lots within the county of Cook upon which I have been unable to collect the taxes and special assessments and printer's fees charged thereon as required by law for the years therein set forth; that said taxes, assessments, and printer's fees charged thereon now remain due and unpaid, as I verily believe.

JULIAN S. RUMSEY,
County Treasurer and ex Officio
County Collector of Cook County.

Subscribed and sworn to before me this twenty-first day of July, A. D. 1873.

JOS. POLLAK,
Clerk of the County Court of Cook County.

STATE OF ILLINOIS, } ss:
County of Cook, }

County Court of Cook County. July Term, A. D. 1873.

TUESDAY, *July 29th, A. D.* 1873—10 o'clock a. m.

Court being in session.

Present thereat: Hon. Martin R. M. Wallace, judge of said court; Timothy M. Bradley, sheriff of Cook county.

Attest: JOSEPH POLLAK,
Clerk of the County Court of Cook County.

In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of the county of
352 Cook, in the State of Illinois, for judgment for delinquent State, county, town, school, road, and park taxes and special assessments for the year 1872.

This day again comes Julian S. Rumsey, treasurer and *ex officio* collector of the revenue of Cook county, by Charles H. Reed, Esq., State's attorney, on behalf of the people of the State of Illinois, and also by James P. Root, Esq., attorney of Cook county, on behalf of said county; also come the several parties owners of and interested in the several lands and lots in the foregoing list described who have heretofore severally filed objections herein to the rendition of judgment against said lands and lots in which they are interested respectively; and the court having heard the evidence and the arguments of counsel, and having duly considered the same, and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in said list described opposite the description of which in said list the words "judgment refused" are written, there being nothing written after said words to limit or confine said refusal of judgment to any particular tax or special assessment, be,

and the same are hereby, sustained, and judgment is refused as to said several lands and lots. It is further considered and ordered by the court that wherever in said list there is noted opposite to the description of any land or lot that judgment is refused on or for any particular tax or assessment or costs judgment is hereby refused against said land or lot for said tax or assessment or costs as to which judgment is noted refused in said list as aforesaid.

And whereas due notice has been given of the intended application for a judgment against said lands and lots and no sufficient defense having been made or cause shown why payment
353 should not be entered against said lands and lots for the taxes, special assessments, and costs due and unpaid thereon for the year herein set forth (except when judgment has been refused as aforesaid), therefore it is considered by the court that judgment be, and is hereby, entered against the aforesaid tract or tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to each, less any particular tax or assessment for which judgment has been noted in said list refused as aforesaid, being the amount of taxes, special assessments, and costs due and unpaid thereon.

And it is ordered by the court that the said several tracts or lots of land or so much of each of them as shall be sufficient to satisfy the amount of taxes, special assessments, and costs annexed to them severally due and unpaid thereon as to which judgment has not been noted refused as aforesaid be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

Process and Record of Sale for Taxes and Assessments of A. D. 1872.

Names.	Description—part of lot, block, or section.	Section.	Town.	Range.	Lot.	Sub-lot.	Lot.	Block.	Acres.	State tax.	County tax.	Town tax.	Corporation tax.	School tax.	Delinquent road tax.	District road tax.	South park tax.	Park tax.	Boulevard and park tax.	West park and boulevard assessment.	Lincoln park tax.	No.	Amount.	Cost.	Total amount of judgement.	Remarks.	Part sold.	When sold—date.	Name of purchaser.	When redeemed.	By whom redeemed.	Amount deposited.	No. of redemption certificate—date.	Certificate of sale cancelled.	No. of sale.†
										Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.	Dollars. Cents.							Dollars. Cents.			
Peter Caldwell	Louis Heintz' sub'n of 24 a. E. & adj. W. 10 a. of N. ½ N. ½ S.W. ¼	4	38	14			12	2		56	93	69		93			47							24	3	82	Adv		1873. Aug. 29	Henry H. Gage						
Do.							13	"		56	93	69		93			47							24	3	82			" "	do	} *					

* Deed issued to Asahel Gage by Herman Lieb, county clerk, July 24th, 1876, 767.

† Received the redemption money of tracts and lots against which our names are set in release of all claims under or by virtue of the purchase for taxes of the above year, and the sale is hereby cancelled and annulled.

355 STATE OF ILLINOIS, } ss:
County of Cook, }

County Court of Cook County. July Term, A. D. 1873.

TUESDAY, *July 29th, A. D.* 1873—10 o'clock a. m.

Court being in session.

Present thereat: Hon. Martin R. M. Wallace, judge of said court; Timothy M. Bradley, sheriff of Cook county.

Attest: JOSEPH POLLAK,
Clerk of the County Court of Cook County.

In the Matter of the Application of JULIAN S. RUMSEY, county treasurer and *ex officio* collector of the revenue of the county of Cook, in the State of Illinois, for judgment for delinquent State, county, town, school, road, and park taxes and special assessments for the year 1872.

This day again comes Julian S. Rumsey, treasurer and *ex officio* collector of the revenue of Cook county, by Charles H. Reed, State's attorney, on behalf of the people of the State of Illinois, and also by James P. Root, Esq., attorney of Cook county, on behalf of said county; also come the several parties owners of and interested in the several lands & lots in the foregoing list described who have heretofore severally filed objections herein to the rendition of judgment against said lands and lots in which they are interested respectively; and the court having heard the evidence and the arguments of counsel and having duly considered the same and being now fully advised in the premises, it is considered and ordered by the court that all objections to the rendition of judgment against the several lands and lots in said list described opposite the description of which in said list the words "judgment refused" are written, there being nothing written after said words to limit or confine said refusal of
356 judgment to any particular tax or special assessment, be, and the same are hereby, sustained, and judgment is refused as to said several lands and lots. It is further considered and ordered by the court that whenever in said list there is noted opposite to the description of any land or lot that judgment is refused on or for any particular tax or assessment or costs judgment is hereby refused against said land or lot for said tax or assessment or costs as to which judgment is noted or refused.

And whereas due notice has been given of the intended application for a judgment against said lands and lots and no sufficient defence having been made or cause shown why judgment should not be entered against said lands and lots for taxes, special assessments, and costs due and unpaid thereon for the year herein set forth (except where judgment has been refused as aforesaid), therefore it is considered by the court that judgment be, and is hereby, entered against the aforesaid tract or tracts or lots of land or parts of tracts or lots, as the case may be, in favor of the people of the State of Illinois for the sum annexed to each, less any particular tax or assessment for which judgment has been noted in said list refused

as aforesaid, being the amount of taxes, special assessment, and costs due and unpaid severally thereon; and it — ordered by the court that the said several tracts or lots of land or so much of each of them as shall be sufficient to satisfy the amount of taxes, special assessments, and costs annexed to them severally due and unpaid thereon as to which judgment has not been ordered refused as aforesaid be sold as the law directs.

M. R. M. WALLACE,
Judge of the County Court of Cook County, Illinois.

357 STATE OF ILLINOIS, } ss:
County of Cook, }

I, Joseph Pollak, clerk of the county court of Cook county, in the State aforesaid, do hereby certify that the foregoing is a correct record of the tracts, parcels of land, and town lots in the city of Chicago and in the county of Cook against which judgment was entered for delinquent taxes and special assessments for the year 1872 by the county court of Cook county on the 29th day of July, A. D. 1873, and of the orders of judgment and sale made and entered by said court on the date aforesaid.

In testimony whereof I have hereunto set my hand and
[SEAL.] affixed the seal of the county court of Cook county, at Chicago, in said county, this 18th day of August, A. D. 1873.

JOS. POLLAK,
Clerk of the County Court of Cook County.

STATE OF ILLINOIS, } ss:
County of Cook, }

I, M. W. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of the delinquent return of the town collector of the town of Lake for the general taxes of A. D. 1872; also of the county collector's delinquent return for said taxes; also of the county collector's published delinquent list as published in the Chicago Evening Post on the 28th day of June, A. D. 1873, with the certificate of the publisher of said newspaper thereto attached; also of the judgment record, including the final order of judgment and sale entered by the county court of Cook county for said taxes of 1872, and also a true and correct copy of the precept and record of sale for the taxes of said year 1872 in so far as the same relates to
358 the property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this tenth day of May, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

STATE OF ILLINOIS, }
County of Cook, City of Chicago, } ss:

ASAHEL GAGE, of lawful age, being first duly sworn, doth depose and say that he relies on the facts stated in this and other affidavits hereto annexed and the certificates *as* compliance with the provisions of the constitution and laws of the State in this behalf, and therefore says that he, this affiant, has complied with all the provisions of the constitution and laws of this State to entitle him or his assignees to a deed or deeds, and asks that a deed or deeds may be issued as provided by law on the land described in the annexed certificates of tax sale to this affiant.

ASAHEL GAGE.

Subscribed and sworn to this 27th day of June, 1876, before me—
AUGUSTUS N. GAGE,
[SEAL.] *Notary Public.*

359 *Affidavit—Occupant Served, Assessee Served.*

STATE OF ILLINOIS, }
County of Cook, } ss:

EDWARD L. COUCH, of lawful age, being duly sworn, says that he resides in said county and is the agent of Asahel Gage; that as such agent deponent, on the 14th day of August, A. D. 1874, served a notice of which the annexed notice is a true copy on Peter Caldwell by handing the same to and leaving the same with him, said Peter Caldwell, in said county.

Deponent is acquainted with the premises mentioned in said notice, and the person so served was the only person in possession thereof three months before the time of redemption from the sale mentioned in said notice expired, to wit, on the 14th day of August, A. D. 1874, and for more than thirty days previous and subsequent thereto, but the said premises were taxed in the name of Peter Caldwell, and deponent served a notice of which the annexed notice is a true copy on said Peter Caldwell by handing the same to and leaving the same with him, said Peter Caldwell, in said county on the 14th day of August, A. D. 1874.

EDWARD L. COUCH.

Sworn to this 3rd day of January, A. D. 1876, before me—
AUGUSTUS N. GAGE,
[SEAL.] *Notary Public.*

360 *Notice of Sale for Tax.*

To whom it may concern:

This is to notify you that on the 29th day of August, 1873, Henry H. Gage purchased and afterwards assigned the certificate of purchase to the undersigned at a sale of lots and lands for taxes and special assessments authorized by the laws of the State of Illinois the following-described real estate, taxed in the name of Peter Cald-

well, to wit: Lots 11, 12, 13, 14, and 15, in block 2, and lots 1, 2, 3, 4, and 15, in block 3, in Louis Heintz's subdivision of 24 acres E. and adjoining W. 10 acres of N. ½ of N. ½ of S. W. ¼ of section 4, in township 38 north of range 14 east of the third principal meridian. Said taxes and special assessments were levied for the year 1872, and that the time of redemption thereof from said sale will expire on the 29th day of August, 1875.

ASAHEL GAGE.

Certificate of Sale for Taxes of A. D. 1872.

No. 327. Volume 1, page 181.

STATE OF ILLINOIS, } ss:
Cook County, }

This is to certify that at the July term, A. D. 1873, of the county court of said Cook county, on the application of Julian S. Rumsey, treasurer and *ex officio* collector of said county, for judgment against lands and lots for State, county, town, school, road, and park taxes and special assessments assessed and levied for the year A. D. 1872 and returned delinquent and unpaid by the town collectors of State and county taxes for the year 1872 pursuant to law, a judg-
361 ment was entered against the following-described lands or lots for so much of the said taxes and special assessments as were found to be due thereon and costs, being for the sum of twenty-two dollars and 92 cents.

And in and by said judgment it was ordered by said court that said lands or lots or so much thereof as should be sufficient to satisfy the amount of said judgment be sold as the law directs, to wit: Lots 11, 12, 13, 14, and 15, block 2, in Louis Heintz' subd'n of 24 acres E. and adj. W. 10 a. of N. ½ N. ½ S. W. ¼ section 4, town. 38, range 14 east, of third principal meridian, situated in said Cook county.

And that, in pursuance of the statute in such case made and provided, process was issued to said treasurer and *ex officio* collector of said county to sell said lands or lots or so much thereof as should be necessary to satisfy the said judgment; that by virtue of said process said collector did, on the 18th day of August, A. D. 1873, open the sale upon said process, and, said sale being duly continued from day to day by adjournments duly announced and the same being reached in its order, said collector did this day offer for sale and did sell so much of said lands or lots as would pay the sum aforesaid, and that Henry H. Gage became the purchaser of all of said lands or lots and paid thereon the sum aforesaid, that being the least quantity of said lands or lots for which any person would pay the said amount due thereon.

Now, therefore, in case the said lands or lots above sold are not redeemed in manner and form as the law directs within two years from the date hereof, the said purchaser, his heirs or assigns, will be entitled to receive a deed of the lands or lots above sold as by law directed. Unless the holder of this certificate takes out the

deed as entitled by law and files the same for record within one year from and after the time for redemption expires, then
362 this certificate shall from and after the expiration of such one year be absolutely null. If the holder of this certificate shall be prevented from obtaining a deed by injunction or order of any court or by refusal of the clerk to execute the same the time he is so prevented shall be excluded from the computation of such time.

In witness whereof I have hereto subscribed my name
[SEAL.] and affixed the seal of said county court, at Chicago, in said county, this 29th day of August, A. D. 1873.

JOS. POLLAK,
Clerk of the County Court.

Countersigned.

J. S. RUMSEY,
Treasurer and ex Officio Collector of Cook County.

For a valuable consideration I hereby endorse, assign, transfer, and set over the within certificate to Asahel Gage.
Without recourse.

HENRY H. GAGE.

No. 767.

Filed and deed issued to Asahel Gage July 24th, 1876.

H. LIEB, *Clerk.*

363 STATE OF ILLINOIS, } ss:
County of Cook, }

I, W. M. Ryan, clerk of the county court of Cook county, in the State aforesaid, and keeper of the records and files thereof, do hereby certify that the foregoing is a true and correct copy of all notices, affidavits, and the certificate of sale upon which tax deed No. 767, dated July 24th, A. D. 1876, was issued to Asahel Gage by the county clerk of Cook county, so far as the same relates to the property described in the foregoing copy; all of which appears from the records and files of my office.

In witness whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said county court, at my office, in the city of Chicago, in said county, this tenth day of May, A. D. 1883.

M. W. RYAN,
Clerk of the County Court.

(Endorsed:) Filed April 21, 1886. Wm. H. Bradley, clerk.

364 Which was all the evidence adduced or offered by either party upon the trial of said case; and, because said matters do not sufficiently otherwise appear of record, the said defendant, Asahel Gage, presents here now this his certificate of evidence and prays the same may be signed and sealed by the judge of said court,

and it is so ordered and done accordingly this 18th day of May, A. D. 1887.

WALTER Q. GRESHAM, [SEAL.]
Judge of 7th Judicial Circuit.

Endorsed: Filed May 18, 1887. Wm. H. Bradley, clerk.

365 On the same day, to wit, on the eighteenth day of May, 1887, there was filed in said clerk's office an appeal bond in said entitled cause; which said appeal bond is in the words and figures following, to wit:

Appeal Bond.

Know all men by these presents that we, Asahel Gage and Henry H. Gage, are held and firmly bound unto John H. Bani in the full and just sum of five hundred ($500.00) dollars, to be paid to the said John H. Bani, his executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 16th day of May, A. D. 1887.

Whereas lately, at a term of the circuit court of the United States for the northern district of the State of Illinois, in a suit pending in said court, on the chancery side thereof, between John H. Bani, the complainant, and Asahel Gage, the defendant, a decree was entered in favor of said John H. Bani and against said Asahel Gage, and the said Asahel Gage having obtained an appeal to the Supreme Court of the United States to reverse said decree in the aforesaid suit, and a citation directed to said John H. Bani, citing and admonishing him to be and appear at a Supreme Court of the United States to be held at Washington on the second (2nd) Monday of October next:

365½ Now, the condition of the above obligation is such that if the said Asahel Gage shall prosecute his said appeal to effect and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

ASAHEL GAGE, [SEAL.]
By AUGUSTUS N. GAGE, [SEAL.]
His Attorney-in-Fact.
HENRY H. GAGE. [SEAL.]

Approved.
W. Q. GRESHAM.

Endorsed: Filed May 18, 1887. Wm. H. Bradley, clerk.

366 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for said northern district of Illinois, do hereby certify the above and foregoing to be a true and complete transcript of the rec-

ord of all the proceedings had in said court in the cause wherein John H. Bani is the complainant and Asahel Gage is the defendant as the same appear from the files and records of said court now remaining in my custody and control.

Seal of Circuit Court U.S., Northern Dist. Illinois, 1855.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office, in Chicago, in said district, this third day of June, 1887.

WM. H. BRADLEY, *Clerk.*

Endorsed on cover: N. Illinois C. C. U. S. No. 172. Asahel Gage, appellant, *vs.* John H. Bani. Filed October 10, 1887.

Office Supreme Court U. S.
FILED,
JAN 9 1891
JAMES H. McKENNEY,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1890.

No. 172.

ASAHEL GAGE, *Appellant,*
vs.
JOHN H. BANI.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Brief for Appellant.

AUGUSTUS N. GAGE,
Counsel for Appellant.

CHICAGO:
PRINTED BY THE CHICAGO LEGAL NEWS COMPANY, 87 CLARK STREET
1890.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1890.

NO. 172.

ASAHEL GAGE, *Appellant,* vs JOHN H. BANE. } *Appeal from the Circuit Court of the United States for the Northern District of Illinois.*

BRIEF FOR APPELLANT.

STATEMENT OF THE CASE.

MAY IT PLEASE THE COURT:

In 1876 Asahel Gage, appellant, received from the County Clerk of Cook County, Illinois, the proper officer, a tax deed to lots 12 and 13 in block 2, in Louis Heintz' subdivision of 24 acres, east and adjoining the west 10 acres of the N. ½ of the N. ½ of the S. W. ¼ of section 4, township 38 north, range 14, East of the third principal meridian, situate and being in the Town of Lake, County of Cook and State of Illinois. Afterward, and in 1880, appellant received from E. F. C. Klokke three other tax deeds upon the same land, dated, respectively, June 30th, July 3d and July 6th. Each of these deeds were based upon separate judgments against the property for which the same was sold. The first deed was based upon the sale for delinquent fifth installment for the South Park assessment; the second was based upon

a sale for the third installment of a special assessment of the Town of Lake, known as warrant No. 36; and the third deed was based upon a sale of the property for the delinquent general tax for the year 1876.

In the year 1882 John H. Bani purchased the property aforesaid from Peter Caldwell, his wife, Ann Caldwell, joining him in the deed of conveyance; and on the 6th day of December, 1883, he filed his bill of complaint herein, seeking to set aside as clouds upon his title, each of the three deeds last mentioned, but in no manner alluding or referring to the first deed owned by and under which appellant claims title in fee to the land in controversy.

This bill was filed in the Circuit Court of Cook County, Illinois, and after service of process appellant removed the same to the United States Circuit Court for the Northern District of Illinois.

The bill alleges that John H. Bani, the complainant, was the owner in fee simple, and in the actual possession of the property at the time of filing the bill, and that the deeds mentioned in the bill, that is, the three deeds last herein mentioned, issued by the county clerk to appellant, were each irregular and void, and clouds upon his title, and the bill prayed to have them each removed and canceled, because they were clouds as aforesaid.

To this bill appellant interposed a plea, wherein he set out in full or sufficiently, the deed issued to him by Herman Lieb, the county clerk of Cook County in 1876, that it was issued under and in accordance with the provisions of the laws of Illinois, and that by the provisions of the law and the recitals in the deed, the deed conveyed to him and his heirs forever the title to said land.

This plea was duly sworn to and there was affixed to said plea a certificate of counsel that in his opinion the plea was well founded in point of law.

After the filing of the plea, the sufficiency of the plea was duly argued by counsel, and was held by the court to be insufficient and leave was given to the defendant to answer the bill.

Upon the argument of the plea as well as upon trial of the cause, and here, it was insisted by appellant that as he was the owner of the property under the tax deed issued to him in 1876 as aforesaid, John H. Bani, the complainant in the bill, had no standing in a court of equity, to ask that subsequent deeds to appellant be removed as clouds, for it was argued, if appellant was, at the time of filing the bill the owner of the land by an independent title, in no way connected with either of the titles mentioned in the bill, and if it appeared from the plea that his title was of such a nature that if valid it was superior to the claim of title of the complainant in the bill, then it sufficiently appeared to the court that the complainant in the bill was not in a position to ask to have the other titles removed as clouds upon his title until he should make it appear by proper averments in his bill that the superior title mentioned in the plea was inferior to his claim of title; in other words, that the plea was sufficient and could be met only by replication, or by an amendment to the bill seeking relief against the title set out in the plea.

In his answer to the bill appellant denied the allegations of the bill, and alleged that he, appellant, was the owner of the land under the tax deed mentioned in the plea, that is, the deed executed in 1876, and also that each of the other three deeds were in all respects regular and sufficient, and did in fact convey the title to the appellant, and that John H. Bani had no title whatever to the land. Replication was filed to this answer and the cause was referred to a master in chancery to take proof and report the same with his findings to the court.

Accordingly, a vast amount of testimony and evidence was introduced and taken before the master, and upon this the master reported that he had considered the testimony and heard the arguments of counsel, and having examined the testimony and pleadings, and considered the same, he found as a matter of fact and law that the allegations in the bill of complaint were not sustained by the proof, and

he recommended that a decree be entered in favor of the appellant dismissing the bill for want of equity.

Afterward, the cause was argued before the Circuit Judge, where a decree was entered in favor of the complainant, John H. Bani, finding and decreeing that Bani was seized in fee simple of the title to the land, and that the three deeds mentioned in the bill be set aside and cancelled as clouds upon the title of Bani to the land. From this decree an appeal was prayed to this court; it has been duly perfected, and the record is now presented for consideration upon the following

ASSIGNMENTS OF ERROR.

Now comes the said Asahel Gage by Augustus N. Gage, his solicitor, and says that in the record and proceedings aforesaid, there is manifest error in this, to-wit:

1st. The court below erred in finding that the plea interposed by appellant was insufficient.

2d. The court below erred in not sustaining the plea of appellant and dismissing the bill of complaint for want of equity.

3d. The court below erred in not sustaining the master's report.

4th. The court below erred in not dismissing the bill of complaint for want of equity in accordance with the recommendations of the master.

5th. The court below erred in finding that John H. Bani was seized of a title in fee simple to the lots.

6th. The court below erred in not finding that appellant was the owner of the lots, of a title in fee, by and through the tax deed issued to him in 1876.

7th. The court below erred in not finding and decreeing that appellant was the owner of the lots in controversy by either of the other tax deeds.

8th. The court below erred in its finding of facts.

9th. The court below erred in its conclusions of law.

And the said Asahel Gage prays that the order and de-

cree aforesaid may be reversed, annulled and altogether held for naught, and that he may be restored to all things which he hath lost by occasion of the order and decree aforesaid.

AUGUSTUS N. GAGE,
Counsel for Appellant.

ARGUMENT.

I.

THE TAX DEED ISSUED TO APPELLANT IN 1876 VESTED IN HIM A TITLE IN FEE TO THE LOTS IN CONTROVERSY.

If, as alleged by the complainant in the bill, John H. Bani was the owner of the property, he had an undoubted right to maintain a bill of complaint, to remove as clouds upon his title outstanding claims, and to thus litigate with the claimant the question of the superiority of title, where, as in the case at bar, he was, at the time of filing the bill, in possession of the property; but if it should appear that there were still other persons who claimed to own the title to the land, and especially if it should appear, as in this case, that the defendant in the bill claimed to own the land by another different, independent and adverse title to either of the titles mentioned in the bill, then the complainant in the bill must pause and proceed no further until he has disposed of such other title or brought such title before the court for disposition by the court.

And this is particularly so if such other independent and adverse title is upon its face *prima facie*, superior to the title of the complainant, for where it appears that there is in the defendant existing a superior title to that of the complainant, the complainant can not be heard to complain of some other title which he may assume to regard as inferior to his.

All of the questions of title between the parties should be adjudicated at one and the same time.

It is therefore necessary to review the law of Illinois, and to understand its system in order to clearly understand the nature of this tax deed issued to appellant in 1876, and presented to the court in the first instance through his plea.

The revenue law to which reference is here made, and the references herein contained, are the several sections of chapter 120 of the Revised Statutes of Illinois of 1874.

Preliminary steps in relation to the manner in which taxes are levied, extended and placed in position for collection are unimportant. After the town collector, however, has held the book for collection for a certain length of time, he is directed to make a return of those books to the county collector (sections 169 and 170).

All taxes become delinquent on the date when the town collector is directed to make his return to the county collector (Section 177).

The county collector proceeds with the collection of taxes for a certain time, when he is directed by Sec. 182 to make out advertisement of delinquent taxes which he causes to be published, and wherein he gives notice that at a certain time he will apply to the County Court for judgment against land for the delinquent taxes due thereon.

Sections 185 and 182, *supra*, provide when the application for judgment against land for delinquent taxes shall be made.

Section 188 directs that the collector shall transcribe into a record prepared for that purpose before the date that judgment is sought, a list of lands upon which taxes are delinquent, and the form of this list is therein prescribed.

The taxes mentioned upon this list may be paid any time before the lot is sold or before the payment is enforced. (Section 189.) This list, described in section 188, is required to be corrected, and all payments made thereon, noted, at a certain time before judgment is entered, and after this is carefully done the collector is required to test the correctness of the record by his affidavit in the manner pointed out in section 190.

Section 191 fully describes and sets out the proceedings

to be had in the court, and prescribes the substantial form of the judgment to be entered.

Section 194 defines the process or execution which is issued upon that judgment and by authority of which the land is sold for delinquent taxes.

Section 201 defines the manner of conducting the sale, and section 207 refers to the certificate of sales that shall be issued by the officers conducting the sale.

If then in this case all of the steps prescribed by the statute have been complied with, it follows that a sale has been made which, unless redeemed, will result in a tax deed, and that if there is no error in any of the proceedings, the deed issued upon such a sale must have the effect to pass the title to the land, unless some error intervenes in the steps taken in procuring the deed and after the sale has been made.

All of the proceedings of the County Court, and of the preliminary proceedings leading up to the judgment, and upon which this deed was issued in 1876, are preserved in this record by evidence offered before the master, and it is shown by that evidence that all of the requirements of the statute were fully complied with.

After the certificate mentioned in section 207 aforesaid has been issued, the purchaser at the tax sale is required to give a notice of the sale, and the provisions in relation to that notice are found in section 216.

That section provides that the purchaser shall serve a notice on every person in the actual possession of the property, and also on the person in whose name the land is taxed, if he can be found in the county. The section also defines what that notice shall contain, and it declares that the notice shall state when he purchases the land, in whose name taxed, the description of the land, for what year taxed or specially assessed, and when the time of redemption shall expire.

Sec. 217 provides, that before the deed is issued there shall be filed with the county clerk an affidavit showing in what manner the preceding section has been complied with,

stating particularly the facts relied upon as a compliance. And the section declares that such affidavit *shall be prima facie evidence* that such notice has been given.

In accordance with these provisions, this record discloses (page 195, printed record) that this deed was issued upon the affidavit of Edward L. Couch, wherein he particularly stated the facts relied upon. They were that Peter Caldwell (the grantor of John H. Bani) was the only person in possession of the property; and that the property was taxed in his name; and that he served him with a notice of the tax sale, by handing the same to him, and leaving it with him personally, on August 14, 1874, and the notice which he served contained the information required in said section 216.

Thus it will be seen that all of the preliminary requirements of the statute in relation to the duties imposed upon the purchaser at a tax sale after the date of the purchase, and before the execution of the deed, had been strictly, literally and fully complied with before the deed was issued to appellant in 1876.

Sec. 221 provides, "The deed so made by the county clerk under the official seal of his office shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title to the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form": Here follows the form of the tax deed.

The tax deed now under consideration is found in the printed record at page 200.

Sec. 224 declares that deeds executed by the county clerk as aforesaid, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the real estate thereby conveyed, of the following facts:

1st. That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law.

2d. That the taxes or special assessments were not paid at any time before the sale.

3d. That the real estate conveyed had not been redeemed from the sale at the date of the deed.

4th. That the real estate was advertised for sale in the manner and for the length of time required by law.

5th. That the real estate was sold for taxes or special assessments, as stated in the deed.

6th. That the grantee in the deed was the purchaser or assignee of the purchaser.

7th. That the sale was conducted in the manner required by law.

Thus it will be seen that, not only was the deed mentioned in the plea *prima facie* evidence of an adverse and superior title in appellant, but upon the hearing of the case upon issues joined, wherein appellant had not only asserted a better title in himself, but had denied that the complainant had any title to the land, this tax deed was *prima facie* evidence to sustain the issues thus presented.

There is, in addition to this *prima facie* evidence which appellant introduced in evidence, all the documentary evidence necessary to show affirmatively that this presumption existing in favor of the deed, was well founded, and upon examining the evidence thus tendered and adduced it will be seen that the law has been in each and every regard fully and carefully complied with, and that the tax deed has vested in appellant, his heirs and assigns forever, the title to this property.

It was, therefore, error for the court to find the title in fee to be in John H. Bani, and it was also error for the court to find appellant's other tax deeds were clouds upon the land and the title of Bani, when it appeared, as aforesaid, by the evidence that this appellant was the owner of the land in fee by another and superior title adverse to that of the complainant, which other adverse title had not been brought into the case by the bill for adjudication.

II.

THE EVIDENCE DOES NOT SUSTAIN THE ALLEGATIONS OF THE BILL AND THE MASTER IN CHANCERY FOUND CORRECTLY, AND PROPERLY RECOMMENDED THAT THE BILL OF COMPLAINT SHOULD BE DISMISSED FOR WANT OF EQUITY.

The bill attacks three tax deeds and charges various grounds of irregularity in relation to each. That the questions may be reached as presented, these deeds and the objections urged will be considered in the order advanced in the bill.

Before taking up this discussion, the court is requested to inspect the record where it will find that these several objections mostly depended upon documentary evidence, copies of records of the County Court of Cook County, Illinois. That the complainant offered many copies, that these copies were merely partial, containing only such portion of the record as complainant desired to show and that in some instances these copies were faulty.

The court will also see by the record that appellant was compelled, in order to show the facts, to get full and accurate copies of these same records, and also to produce in evidence, in some instances, the original records, to overcome the incorrect presumption to be drawn from complainant's evidence, and to present the truth to the court.

The court is therefore asked to carefully consider the testimony and documentary evidence offered by appellant, otherwise it may be mislead as to the facts of the case.

The bill first attacks the deed issued July 3, 1880, and the first reason assigned why it is not good is, that the property sold was incorrectly described, the real point being that the description was alleged to be block 1 instead of block 2. To sustain this proposition, complainant offered in evidence an alleged copy of the record wherein it is shown the description is different from that alleged in the bill, and that it is correct, except as to the block; the copy introduced shows the block to be mentioned as block "1" (see printed record, p. 79). In all of the other descriptions in that same

copy the property is properly described as being in block "2" (see pages 71, 72 and 76).

This was an error in the preparation of the record, and appellant produced the original record from which the copy was made, to show that the description therein contained was written block "2," and not block "1." (Record pp. 50 and 51).

Thus it will be seen, that there was no error in description, but the claim of the bill was an attempt to take advantage of an erroneous *copy* merely.

The second objection to this deed was that the property was not described in the process and record of sale and judgment as being in Cook county.

At page 81 of the printed record is the process, which is at page 143 of the transcript. It commences, State of Illinois, County of Cook—ss., and then describes the property as being in the town of Lake, and by turning to the judgment (printed record, p. 76), it will be seen that the property is fully described as being "in the town of Lake, in Cook County, State of Illinois."

The record refutes this allegation of the bill.

The third objection to this deed made by the bill was that the application for judgment was made at the June term of the County Court instead of the May term as required by law.

This objection is untenable, because while the revenue law of Illinois already referred to, provides by section 185, all applications for judgments and orders of sale for taxes and special assessments on delinquent lands and lots shall be made at the May term of the County Court; still the section proceeds and declares that a failure to make the application for the judgment at that term shall in no manner affect the legality of the tax, and can not be urged as a ground of objection to judgment. The sections bearing directly upon this point are 182, 185 and 191, chapter 120 of the Revised Statutes of Illinois of 1874. Section 182 *supra* provides: "At any time after the first day of April next after such delinquent taxes and special assessments on lands and

lots shall become due, the collector shall publish an advertisement, giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county. * * * Said advertisement shall be once published at least three weeks previous to the term of the County Court at which judgment is prayed, and shall contain a list of the delinquent lands and lots upon which the taxes or special assessments remain due and unpaid, the names of owners if known, the total amount due thereon, and the year or years for which the same are due. Said collector shall give notice that he will apply to the County Court, at the ——— term thereof, for judgment against said lands and lots for said taxes, special assessments, interest and costs, and for an order to sell said lands and lots for the satisfaction thereof; and shall also give notice that, on the ——— Monday next succeeding the day fixed by law for the commencement of such term of the said County Court all the lands and lots for the sale of which an order shall be made, will be exposed to public sale at the building where the County Court is held in said county, for the amount of taxes, special assessments, interest and costs due thereon; and the advertisement published according to the provisions of this section shall be deemed to be sufficient notice of the intended application for judgment and of the sale of lands and lots under the order of said court. * *"

By reference to the official revision of the statutes of 1874 it will appear that this section, as well as sections 185 and 191, were contained in an act approved May 3, 1873. The sections were therefore passed together, and must be construed as a part of one and the same legislative intent.

It will be also noticed that in the direction for the publication of notice, the term at which the application for judgment is to be made, as well as the date when the sale will take place, was left in the statute blank for the collector to fill out, so that discretion was given to him by that section to insert such term as would be most proper for him in making his application.

Section 185 *supra* provides all applications for judgment

and order of sale for taxes and special assessments on delinquent lands and lots shall be made at the May term of the County Court. "If, from any cause, the court shall not be holden at the term at which judgment is prayed, the cause shall stand continued; and it shall not be necessary to re-advertise the list or notice required by law to be advertised, before judgment and sale, but at the next regular term thereafter the court shall hear and determine the matter; and if judgment is rendered, the sale shall be made on the Monday specified in the notice, as provided in section 182; such Monday to be fixed by the county collector in the notice. If, *for any cause, the collector is prevented from advertising and obtaining judgment at said term,* it shall be held to be legal to obtain judgment at any subsequent term of said court; but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall be held on his official bond, for the full amount of all taxes and special assessments charged against him: *Provided*, that any such failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax or assessment, or to a rendition of judgment against any delinquent lands and lots, included in the application of the county collector: *and, provided, further*, that on the application for judgment, at such subsequent term, it shall not be deemed necessary to set forth or establish the reasons of such failure."

Thus it will be seen by section 185, and section 182, that the collector is fully empowered to fill the blank in section 182 with such term of the County Court as he may find necessary.

Section 191 provides the form of the judgment, and after the form is set out the section continues: "In all judicial proceedings of any kind, for the collection of taxes and special assessments, all amendments may be made which, by law, could be made in any personal action pending in such court, and no assessment of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment rolls, or on ac-

count of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collecting of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax or the assessment thereof. * * *"

This question has been fully before the Supreme Court of the State of Illinois where these several sections have been commented upon, and their meaning defined, and where the Supreme Court holds that it is in the power of the collector to fill the blank left in section 182 with the term at which he desires to apply for judgment, and that he can fill this with a term other than the May term, and that the judgment thereon is valid. In concluding their remarks the Supreme Court of Illinois has said: "The criticism that the blank means nothing is not well made. The 182d section is substantially the same as the 26th section of the Revenue Act of 1853 (Sess. Laws, p. 74), which has the same blank left to insert the term of court as that found in the 182d section, and the profession and collectors since that time have uniformly held, that it indicated that the officer should insert the term to which he intended to apply, in the notice, instead of leaving it blank as found in the section. Such language and uniform construction is reasonable, and must be held to be not only warranted, but altogether proper."

Beers v. *People*, 83 Ill. 488.

It is clear, therefore, that the third proposition or ground for removing the deed, can not be sustained.

The fourth proposition or objection to the deed was that there was no notice given by the county collector that judgment would be applied for at the May term.

This is the same objection as the one last urged, only placed in different words, and as therein shown section 182

did not require the collector to fill the blank with any particular term.

The fifth objection urged was: There is no finding by the court in the application for judgment that due notice had been given by the county collector as required by law.

The evidence in the case disproves this allegation. If the court will turn to page 77 of the printed abstract, where will be found the judgment of the County Court upon which this sale was made, at the commencement of the last paragraph, being the last line on the page in the recitals of the judgment, it will be found that the judgment does recite the notice, and in these words: "And whereas due notice has been given of the intended application for a judgment against said lands and lots and no sufficient defense having been made, or cause shown why judgment should not be entered against said lands and lots for the amount of said special assessment, printer's fees and costs due and unpaid thereon, that is to say, the third installment of special assessment number 36 levied and assessed by authority of the Town of Lake in said county, and confirmed by the County Court of Cook County on the 13th day of July, 1874, and printer's fees and costs due thereon." Thus it will be seen that as a matter of fact the judgment does recite the giving of due notice of the application for judgment.

The sixth objection made was that there was no order of the County Court directing the filing of objections to the entry of judgment.

There are two answers to this objection. The first is that the law does not require any such order to be entered. The second is that such an order was in fact entered, and if the court will turn to page 74 of the printed record, it will find in the last paragraph on that page in the record of the proceedings before the County Court, this finding and order: "And it appearing to the court and the court finding from evidence presented, that due notice, as required by law, has been given of said application for judgment, it is ordered that any and all parties desiring to object to the ren-

dition of judgment against said lands and lots, file their objections thereto in writing, by ten o'clock A. M. on Monday, the 18th day of June instant."

And while this is a sufficient answer to the sixth proposition, it is well to look a little further into this record. This order requiring objections to be filed was entered as appears from the placitum, on the 11th day of June, 1877. The order of final judgment already quoted from, as appears from the placitum of the record appearing at page 77, was entered on July 16, 1877. Thus it appears that the finding was made of due service of process and the order to plead duly entered, and that the term of that order had expired before the final judgment was entered upon the merits of the case, which judgment, as already remarked, showed the due service of notice.

The seventh ground assigned in the bill why this deed should be set aside was that in the application made for a judgment by the county collector there was no order signed by the court for judgment.

This is answered by reference to the record again at page 78 of the printed transcript, where the court will find the judgment signed by M. F. M. Wallace, Judge of the County Court of Cook County, Illinois. As the objection is not true in fact, no further attention need be given thereto.

The eighth ground alleged in the bill why this deed should be set aside was that the application made by the county collector for a continuance of the case was not approved or signed by the court. A sufficient answer to that is that there is no requirement for the application or the order to be signed by the court.

There is no provision of the law requiring a formal continuance or order of the court continuing the cause, but section 185, *supra*, expressly provided that if for any cause the court should not be holden, the cause should stand continued, and it should not be necessary to re-advertise, but at the next term the court should hear and determine the matter.

The ninth reason assigned in the bill why this deed

should be set aside was that application for judgment having been made at the June term of the County Court, and no continuance of the cause had, it was error to render judgment at the July term. What has already been said is a sufficient answer to this proposition, but a further answer is found, first, in the negative proposition that there was no provision of law requiring an order to be signed by the judge to continue the cause from one term to another, and that there was no provision of law making it necessary that an order, even, should be entered.

A further answer is that there was an order duly entered of record continuing the cause to the July term, and a further answer is found in the provisions of section 191, *supra*, which says that no error or informality in the proceedings of any of the officers connected with the assessment, levying or collecting of taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax or the assessment thereof.

The tenth reason assigned in the bill why this deed was void was that the court had no jurisdiction to render a judgment at the July term of the court, July 16, 1877.

It is presumed that this is a mere attempt at restating the former propositions; however, at page 77 of the printed record appears the placitum of the County Court, which shows that the term of that court began on the second Monday, being the 9th day of July, and in the order of judgment it is there recited that the 16th day of July, the day of the judgment, was one of the days of the July term. It is unnecessary here to review the statutes of the State of Illinois to show that, as a matter of fact, the July term did commence on the day recited in the placitum, and that the date of the judgment was one of the days of that term.

The eleventh reason assigned in the bill why this deed was void was, that no notice was served by the purchaser at the tax sale upon the person in possession of the premises before the tax deed was issued. This objection is not true, in fact, and by turning to pages 84 and 85 of the printed record will be found two affidavits of Charles P. Wester-

field, an affidavit by Eli H. Bunker, and an affidavit by U. George Taylor. The first affidavit shows a service of tax sale notice on the occupant of the land. This notice was served on Peter Caldwell and Ann Caldwell, his wife, who were the only persons in possession of the property on December 5, 1878, by leaving the notice with Ann Caldwell. The affidavit of Bunker states that he was present with Westerfield, and saw him serve the notice, as stated by him in his affidavit. The next affidavit of Westerfield states that he served the notice on Peter Caldwell, the person in whose name the property was taxed, by handing the notice to and leaving it with him personally on April 14, 1879. The affidavit of U. George Taylor states that he was present with Westerfield and saw him serve the notice, as stated in his affidavit. Thus it will be seen that the notice was actually served on Caldwell personally. The bill charges that Peter Caldwell sold the land to Bani, and that at the time of this service the evidence shows that Caldwell was in the possession of the property, claiming to be the owner. It was taxed in his name; he being served personally, the law was fully complied with.

The twelfth point or ground assigned in the bill why this deed should be set aside, was that the notice which was served, was not addressed to any person. It is sufficient answer to this proposition to state negatively that the law does not require the notice to be addressed. Section 216 of the Revenue Act, prescribes the form of the notice that is to be served, and it does not direct that the notice shall be addressed to any one, while the Supreme Court of Illinois has had occasion to pass directly upon this question, and has stated that the address in the notice was unnecessary.

Frew v. *Taylor*, 106 Ill. 159.

The language of the court in that case is: "The objection that the notice is 'To whom it may Concern' we regard as untenable.

The statute prescribes no form of notice, it directs no particular caption or address, and does not specify anything as essential except that which is to be included in the body of

the notice—*i. e.*, when the land or lot was purchased, in whose name it was taxed, the description of the land or lot, for what year taxed, and when the time of redemption expires—all of which this notice contains."

Much time has been consumed in considering this deed in detail that the court may see that there was no error in the deed itself, and that the deed should have been sustained as recommended by the master, and that the bill should have been dismissed for want of equity.

It is true upon the question of whether the notice was served upon Peter Caldwell, Peter Caldwell was placed upon the stand and examined upon this subject, and testified that he *did not remember* of ever receiving any notice of the tax sale (printed record, page 40). This testimony was given on October 15, 1884. The affiants' affidavits in relation to these notices were made July 15, 1879, three months after the service was made, and it will be observed that the nature of these affidavits is of a positive character. Not only were the notices served by the affiant Westerfield, but the service was witnessed by men who went with him and made their affidavit of that fact. This positive testimony, given at or about the time of the doing of the act sworn to, is certainly of a higher character than the testimony of an interested party who merely swears or testifies *negatively* that he does not remember of having received the notice served upon him; however, there is more evidence upon the subject. Mr. Westerfield, the party who served the notice, was called as a witness (printed record, page 56) and testified that he visited the property in the spring of 1879, looking for and to serve a notice of the sale on Caldwell, who was then in possession of the land, and "on the 4th day of April I served a notice personally on Peter Caldwell and wife." The question was asked him, "Do you remember the fact of your having served the notice upon Peter Caldwell? A. I do. Q. What business was Peter Caldwell in at the time, if you know? A. He was keeping a saloon. Thus the positive case made out an absolutely good and perfect deed, and this deed should have been sustained.

III.

As to the second tax deed mentioned in the bill, seven reasons are assigned why it is not good, and as to the third eleven reasons are given. There need be but very few remarks made in relation to these, considering first the second deed issued. The first objection to the deed is that the description does not properly describe the property in controversy.

A plat of the property in controversy is found at page 180 of the printed record, and the testimony of a surveyor and of a real estate man was offered in evidence showing that the description as contained in the tax warrant was correct. The testimony of Martin Van Allen, a surveyor, is found in theprinted record at page 53, and of Henry H. Gage, a real estate agent, at page 57. Martin Van Allen's testimony is very full, and if the court will take the trouble to look at the plat of the property and the descriptions, it will see that there was no error in the description of the land, and that it was not, in fact necessary to call any witnesses on the subject, but out of an abundance of precaution evidence was adduced of a competent surveyor and of a qualified real estate man, so as to show affirmatively the correctness of the description given. The Supreme Court of Illinois has had occasion to pass upon this same question. The application of the rules laid down by its decision to the case at bar will demonstrate the sufficiency of the description herein contained.

Calcord v. *Alexander*, 67 Ill. 581.
Law v. *People*, 80 Ill. 268.

The second and third objections urged are a re-statement of the first.

The fourth objection to this second deed urged in the bill is that there is no certificate of the county clerk attached to the record of the judgment, as required by law, before sale. At page 100 of the record is the alleged copy of that judgment offered in evidence by the complainant, and in

that copy there *is* no certificate of the clerk as alleged in the bill.

This is one of the matters to which counsel has already invited the attention of the court. Because of that omission it became necessary for appellant to introduce in evidence a true copy of the record. So much of which as bears upon this question will be found at pages 183 and 184 of the printed record.

The alleged copy of the transcript offered in evidence by the complainant in the bill was authenticated by the clerk of the court on the 18th day of April, 1883. The copy of the record offered in evidence by the appellant was authenticated by the clerk of the court on October 27, 1884, more than a year and a half later. This authenticated record is prepared in accordance with the statutes of the United States, and has received the certificate of the presiding judge of the court.

Now, if the court will turn to page 183 of the printed record it will find there immediately following the signature of the judge to the record, the certificate of the clerk that the foregoing is a true and complete copy of the judgment. This certificate is what constitutes the precept or order of sale, and is provided for by section 194 of the Revenue Act, *supra*. That section reads as follows: "The county clerk shall, before the day of sale, make a record of the lands and lots against which judgment is rendered, which shall set forth the name of the owner, if known, the description of the property, the total amount of judgment on each tract or lot, and the year or years for which the same is due, in the same descriptive order as said property may be set forth in the judgment book, and shall attach thereto a copy of the order of the court, *and his certificate that such record is correct*. Said record, so attested, shall be the process on which all real property, or any interest therein, shall be sold for taxes or special assessments, as well as the record for the sale of such property."

Thus it will be seen that this fourth point is not true in fact.

The fifth point advanced why the deed was not a good deed, was that the application for judgment was made at the June term instead of the May term, as required by law. This proposition was fully argued in discussing the objections alleged against the first tax deed, and need not be here repeated.

The sixth objection urged in the bill against the validity of this second tax deed, was that the purchaser of the property on August 8, 1877, allowed the property to be again sold August 16, 1877, contrary to the statutes.

The statute referred to in that connection is section 211 of the Revenue Law, which reads: "If any purchaser of real estate sold for taxes or special assessment shall suffer the same to be again sold for taxes or special assessment, before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale. * * *" The provision of that act is that the purchaser shall not permit the property to be again sold at the first or second annual sales after he has purchased it, but it does not provide that he may not purchase the property for each of the tax judgments against it at the sale at which he makes his first purchase. This question is not new; it has been determined by the Supreme Court of Illinois, and fully decided, the precise point being the point upon which the decision turned in

Gage v. *Parker*, 103 Ill. 528.

In that decision at page 538 of the report, after quoting the provisions of section 211 of the Revenue Act, *supra*, in its opinion the court say: "It is contended by the complainant in the bill, that as the property in question was sold in July, August and September, of the year 1877, this section applied, and all he had to do was to pay the penalty on the last sale—the simple amount of the other bids and subsequent taxes. It is clear that the section of the statute cited, *supra*, would require a person who purchased at the

annual tax sale of 1877, to protect the same property from the annual tax sales of 1878 and 1879, or if he failed to do so, and allowed the property sold in 1878 or 1879, the owner could redeem from such sale by payment of the amount of the first bid. But we do not understand that the statute has any application to a case like the one here under consideration. The judgments for the State and county taxes and the special assessments in this case were all rendered at the same term, and although the land was sold in July, August and September, it was but one sale, and must be regarded in the same light as if the property which was being sold during most of the three months had all been sold in one day."

The only other reason alleged in the bill why this tax deed should be set aside was the seventh; which was that no notice was served by the purchaser at the tax sale upon the person in possession of the property.

This is the same objection as the eleventh before urged to the first tax deed, and in relation to this sale the notice was served by the same parties, and similar affidavits made as those referred to upon the other tax deed. The affidavits will be found in the printed record at pages 103 and 104, and the remarks made in relation to the sufficiency of the affidavits upon the first tax deed are clearly applicable here.

It thus appears from a review of this record and the law of the State of Illinois, that all the provisions of the statute have been complied with; that the tax deeds, and each of them, are good and sufficient, and that the master found and recommended properly when he reported that the allegations of the bill were not sustained, and that it should be dismissed for want of equity. When in reviewing these matters it is also considered that the effect of the decree here is to determine a title that has not been brought before the court at all for adjudication, when it is considered that this appellant proved in the court below as stated in his answer

as a defense to the bill that he had a superior adverse title that the complainant had not sought to litigate; it more forcibly appears that the master was correct, and that the decree of the Circuit Court ought not in this case to stand, but that the bill being without evidence to support it, and being contrary to equity, should be dismissed.

Respectfully submitted,

AUGUSTUS N. HAND,

Counsel for Appellant.

Office Supreme Court U. S.
FILED.
OCT. 8. 1890
JAMES H. McKENNEY,
CLERK.

IN THE

Supreme Court of the United States,

OCTOBER TERM, A. D. 1890.

NO. 172.

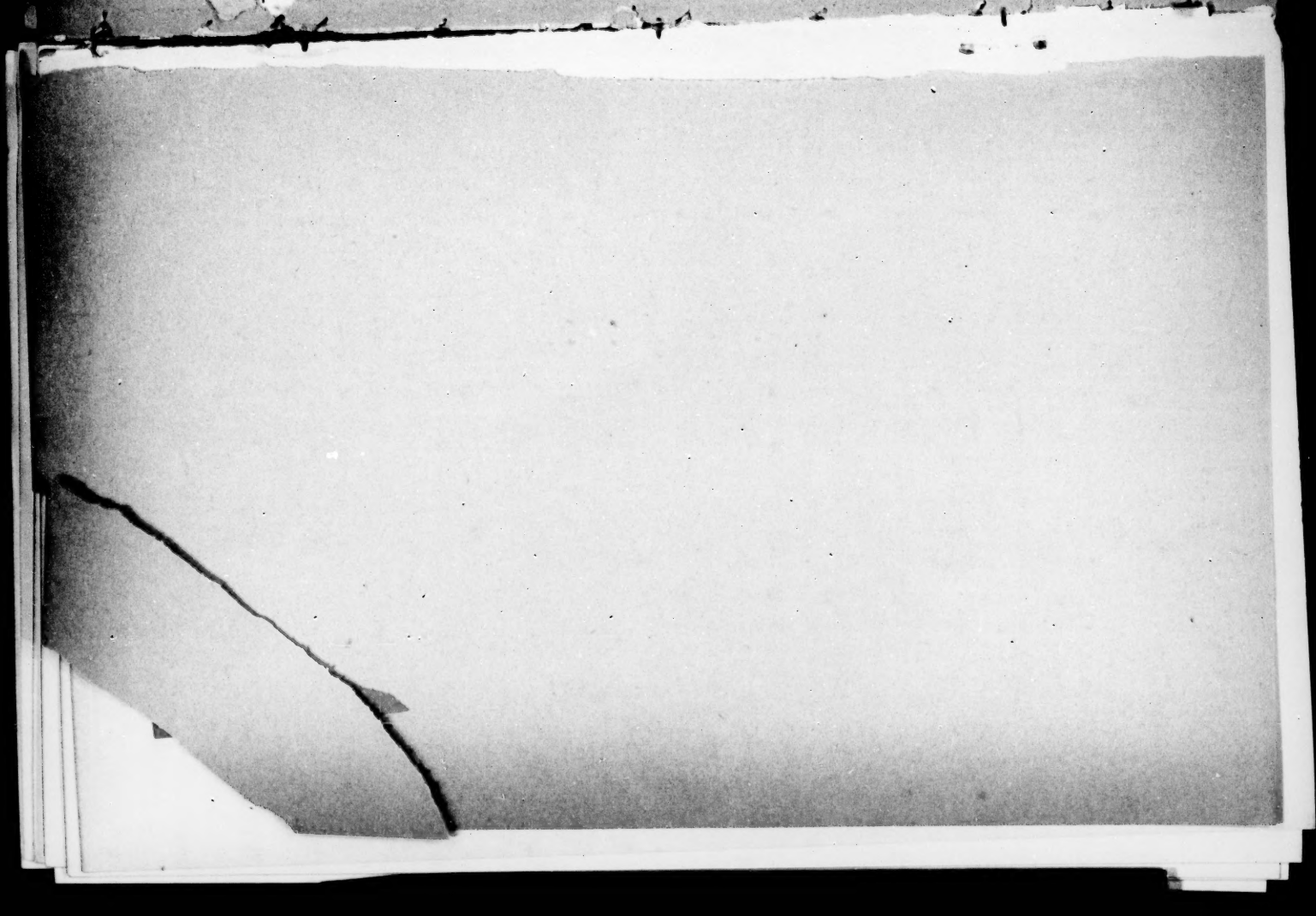
ASAHEL GAGE,
Appellant,
vs.
JOHN H. BANI,
Appellee.

Appeal from the Circuit Court of the United States, Northern District of Illinois.

Brief and Argument for Appellee.

LEVI SPRAGUE,
Solicitor for Appellee.

W. A. Ellis, Brief and Abstract Printer, 170 Madison Street, Room 43.



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Appeal from the Circuit Court of the United States, Northern District of Illinois.

BRIEF AND ARGUMENT FOR APPELLEE.

STATEMENT OF CASE.

John H. Bani, appellee, filed his bill in the State Court to set aside three several tax deeds, held by Asahel Gage, appellant, as a cloud upon appellee's title to the premises described in his bill, viz.: Lots twelve (12) and thirteen (13), in block two (2), in Louis Heintz's subdivision of twenty-four acres east, and adjoining the west ten (10) acres of the north half ($\frac{1}{2}$) of the north half ($\frac{1}{2}$) of the south west one quarter ($\frac{1}{4}$) of section four (4), township thirty-eight (38), north, range fourteen (14) east of the third (3d) principal meridian, in the Town of Lake, County of Cook, and State of Illinois.

BILL.

The bill sets forth that appellee is the owner in fee simple and in the actual possession of the premises.

That he derived title by warranty deed, dated May 15, 1882, from Peter Caldwell and Ann Caldwell, his wife, and paid the consideration of three thousand dollars; that he had taken possession of the premises prior to the date of his deed, as a tenant of his said grantee, and that from the date of his deed he has held and occupied said premises as owner thereof, under claim and color of said title, and paid all taxes and assessments legally assessed thereon, as they became due and payable.

That his said grantor, Peter Caldwell, had owned said premises in fee simple since the 27th day of April, 1868, with a complete chain of title, deducible of record, and had been in the actual and continued possession of said premises under claim and color of title, and paid all taxes legally assessed thereon, as they became due and payable, for a period of more than seven years, and appellee (as grantee) claims the benefit thereof.

That at the time appellee purchased said premises he had no knowledge that any other person had or claimed to have any right, title or interest in or to said premises. But that afterwards in March, 1883, he first learned that appellant held three several tax deeds upon said premises (certified copies of which are attached to his bill as exhibits and admitted in the answer of appellant) viz.:

Ex. "2" dated July 3, 1880.

Ex. "3" dated June 30, 1880.

Ex. "4" dated July 6, 1880.

That the judgments and proceedings on which each of said deeds were issued are irregular and void, viz.:

Ex. "2."

First. The process and record of sale and judgment erroneously describe the premises as being situated in "*block one*," viz: Assessor's division of S. W. ¼ section 4, town 38, range 14, "Lewis Heintz" subdn. of 24 acres E. and adjg. W. 10 acs. of N. ½ N. ½, S. W. ¼, being part of lot 17, sub-lot 12, 13, "Block 1," lot 17.

Second. The premises in the process and record of sale and judgment are not described as being situated in the county of Cook, and state of Illinois.

Third. The application for judgment made by the county collector was made at the June term of the County Court, instead of the May term, as required by law.

Fourth. There was no notice given by the county collector that application for a judgment would be made at the May term of the County Court, as required by law.

Fifth. There is no finding by the court in the application for judgment that due notice had been given by the county collector, as required by law.

Sixth. There was no order made by the County Court for the filing of objections to the entry of judgment, as required by law.

Seventh. In the application made for a judgment by the county collector, there was no order entered and signed by the court for judgment.

Eighth. The application made by the county collector for a continuance of the cause was not approved or signed by the court.

Ninth. The application having been made at the June term of the County Court, and no continuance of

the cause by the court, it was error to render a judgment at the July term of the court.

Tenth. The court had no jurisdiction to render a judgment at the July term of the County Court, July 16, 1877.

Eleventh. No notice was served by the purchaser at the tax sale upon the person in possession of the premises before the tax deed was issued, as required by law.

Twelfth. The notice pretended to be served by the purchaser at the tax sale upon the person to whom the premises were assessed, was not addressed or directed in the name of the person to whom the premises were assessed, or to any particular person, and was a mere blank notice, and of no force or legal effect.

Ex. "3."

First. The record and list of delinquent lands and lots filed by the county collector, Louis C. Huck, Esq., on application for a judgment against said lands and lots erroneously describe the premises as being N. ½ W. ½, instead of N. ½ N. ½ S. W. ¼, viz.:

Record of a list of lands, lots and blocks in the town of South Chicago, Hyde Park and Lake, in the County of Cook and State of Illinois, Assessor's division of the S. W. ¼ section 4, town 38, range 14; Lewis Heintz's subdn. of 24 ac. E. and adj. W. 10 ac. of N. ½ W. ½ S. W. ¼, being part of lot 17, section 4, town 38, range 14, lot 12-13, blk. "2," pt. of lot 17.

Second. The court had no jurisdiction to render a judgment against the premises so erroneously described.

Third. There is a material variance in the description of the premises contained in the record of judgment and delinquent list filed by the county treasurer, as aforesaid.

Fourth. There is no certificate of the county clerk attached to the record and judgment, as required by law, before sale.

Fifth. The application for judgment was made by the county collector to the county court, at the June term thereof, instead of the May term, as required by law.

Sixth. The purchaser at the tax sale, August 8, 1877, Asahel Gage, allowed the premises to be again sold August 16, 1877, the sale upon which the tax deed last aforesaid was issued, contrary to the statute in such case made and provided.

Seventh. No notice was served by the purchaser at the tax sale, upon the person in possession before the tax deed was issued, as required by law.

Ex. "4."

First. The judgment purporting to have been rendered in the cause is void on its face, in that it does not recite that judgment is entered "in favor of the people of the State of Illinois."

Second. The order for judgment is void on its face, in that it does not state that judgment is entered "in favor of the people of the State of Illinois."

Third. The premises described in the report of Peter Murphy, town collector for the Town of Lake for the year 1876, upon which taxes remain due and unpaid, erroneously describe the premises as being situate in W. ½ N ½ S. W. ¼, viz.

"Town of Lake, County of Cook, and State of "Illinois, Assessors division of S. W. ¼ section 4, town "38, range 14, Lewis Heintz' subd. of 24 acs. E. and "adj. W. 10 acs. of W. ½ N. ½ S. W. ¼ section 4, town

"38, range 14, sub-lot 12—13, block 2, being part of "lot 17."

Fourth. The report of Louis C. Huck's county collector's delinquent list does not describe the premises as being in the county of Cook and State of Illinois.

Fifth. The county court had no jurisdiction to render a judgment against the premises under such erroneous description in the delinquent list so filed.

Sixth. The notice of application for judgment made by the county collector was for the June term of the county court, instead of the May term, as required by law.

Seventh. The purchaser at the tax sale, Asahel Gage, was the purchaser at the tax sale made August 8, 1877, and August 16, 1877, hereinbefore described, and allowed the premises to be again sold August 27, 1877, which is the same tax for which the sale was made and deed issued last aforesaid, contrary to the statute in such case made and provided.

Eighth. The purchaser at the tax sale, Asahel Gage, did not serve a notice upon the person in possession of the premises before the deed was issued, as provided by law.

Ninth. The notice purporting to have been served by the purchaser, upon the person to whom the premises were assessed, is one day short of the time required by law.

Tenth. The assessor for the year 1876, town of Lake, did not return his assessment books to the county clerk of said county of Cook until after the time required by law, and not until the 13th day of July, 1876.

Eleventh. The collector for the town of Lake for the year for which said assessment was payable did not

call upon Peter Caldwell, the person to whom said premises were assessed, for the tax due as required by law.

And for divers and sundry other good and sufficient objections apparent upon the face of said record of sale, judgment and proceedings upon which each of said tax deeds were issued as aforesaid, all of which will more fully and at large appear on reference to the said records of sale, judgment and proceedings in each of said causes.

But that the deeds being fair on their face, they create a cloud upon appellee's title. He tenders the amount due for taxes and prays that each of said deeds, and the judgments and proceedings upon which they are based be decreed null and void, and the deeds be delivered up to be canceled, with a general prayer for relief, etc.

Appellant filed a petition removing said cause to the District Court. He then filed a plea to the bill, setting up a tax deed issued to him by the county clerk, dated July 24, 1876, as a bar to all the equity claimed in the bill. And the plea having been set down for hearing before the Hon. Henry W. Blodgett, was adjudged insufficient.

The legal effect of the plea being to admit the facts as stated in the bill (2 Maddock's Chancery Pr., 298), appellant is precluded by his *laches*, under the statute of limitations, from setting up his tax deed against the equities of appellee.

Revised statutes of 1880, chapter 83, section 6, provides that—

"Every person in the actual possession of lands or "tenements, under claim and color of title made in good "faith, and who shall, for seven successive years con- "tinue in such possession, and shall also during said time

"pay all taxes legally assessed on such lands or tene-"ments, shall be held and adjudged to be the legal own-"er of said lands or tenements, to the extent and accord-"ing to the purport of his or her paper title. All per-"sons holding under such possession, by purchase, devise, "or descent, before said seven years shall have expired, "and who shall continue such possession and continue to "pay the taxes as aforesaid, so as to complete the pos-"session and payment of taxes for the term aforesaid, "shall be entitled to the benefit of this section."

This statute has been in force since 1872, and the deed in question bears date in 1876; and more than seven years have elapsed since the date of said deed and prior to the time of filing appellees bill, and appellee or his grantor, under whom he derives his title in the actual and continued possession, paying the taxes, etc. The statutes of our state have contained similar provisions since 1839; and in 1845 a statute was passed, which declared that "a person in possession of the land, under "claim and color of title made in good faith, and who "should continue in possession for seven years, and dur-"ing all that time shall pay all taxes assessed upon the "land, shall be held and adjudged to be the legal owner "of said land, to the extent and according to the pur-"port of his or her paper title."

And these several statutes have been uniformly upheld by our courts and treated as limitation acts barring the remedy; so held by his Honor Judge Drummond, in the case of *Arrowsmith* vs. *Burlingim* reported in the *Western Legal Observer:* 1849, pages 97, 129, 289, and referred to in Blackwell on Tax Titles, at page 564.

And in the case of *Newland* vs. *Marsh*, 19 Ill. 384, where the court say: "And such is the principle, under stat-

"utory provisions and equity rules shutting out parties for "laches from asserting right or title against the innocent "and vigilant, the law does not divest the right, but "postpones or forbids the setting it up against the meri- "torious party."

And the case of *Hubbard et al* vs. *Kiddo*, 87 Ill. 578, is referred to as authority in support of the statute.

1. Maddock' Chancery Pr. 452. "If the equitable title is not acted upon in the same time the legal title should be, it is barred."

Angell on Limitations, 26 (5th Ed.)

"If a legal title would, in ejectment, be barred by "twenty years' adverse possession, courts of equity will "act upon the like limitation, and apply it to all cases "of relief sought upon equitable titles or claims touching "real estate."

Same authority, sec. 381:

"The belief is, that no case can be put in which a "private individual, knowing that another person claims "and is in the actual enjoyment of, land which belongs "to him, and neglects to prosecute his right at law, "where there is nothing to prevent his doing so, that "he will not be barred by the statute of limitations."

2 Story's Eq. Jr., § 1520, "a" note.

"Nothing is better established in courts of equity "than that, where a title exists at law and in conscience, "and the effectual assertion of it, at law, is unconscien- "tiously obstructed, relief should be given in equity; and "that, when a title exists in conscience, although there "be none at law, relief should also, although in a differ- "ent mode, be given in equity. Both these cases are "considered by courts of equity as affected by the stat-

"ute of limitation; that is, if the equitable title be not "sued upon within the time, within which a legal title "of the same nature ought to be sued upon, to prevent "the bar created by the statute, the court, acting by "analogy to the statute, will not relieve. If the party "be guilty of such *laches* in prosecuting his equitable "title, as would bar him if his title were solely at "law, he should be barred in equity."

It is clear he can maintain no action either at law or in equity in support of his tax deed; then, if appellee, by his bill, has made such a case as entitles him to the relief prayed, how can appellant make use of this *new matter*, which could not otherwise avail him, as a defense to the equity of appellee's bill?

But there is still another point to which I desire to call attention, in connection with the *form* and *sufficiency* of this *plea*, and that is this:

4 Bouvier's Institutes, sec. 4285.

"A plea must distinctly aver all the facts necessary "to render a plea a complete and equitable defense to "the case made by the bill, so far as the plea extends; "so that, if he choose, appellee could have taken issue "upon it."

Same, 4282:

"Whether it be in the affirmative or negative, in "order to be good, a plea must be either an allegation "or a denial of some leading fact, or of matters, which "taken collectively, make out some general fact which "is a complete defense. * * * They may "consist of a variety of circumstances if they tend to a "single point."

In the case of *Williams et al.* vs. *Underhill*, 58 Ill., 137, the court say: "The party relying upon a tax deed

"as title, must produce a valid judgment against the "land for the taxes, and a precept, under which the sale "of the land was made, before the deed can be used in "evidence. The deed proves no title until it appear the "judgment and precept thus referred to warranted the "action of the officer."

In the case of *Gage* vs. *Lightburn*, 93 Ill., 248, the court say:

"Where a tax deed is relied upon as evidence "of paramount title, it must be supported by a valid "judgment and precept, unless a judgment for taxes "against the property, and precept are shown; the tax "deed will not divest absolutely the title of the former "owners."

Smith vs. *Hutchinson, et al.*, 108 Ill., 662.

"It devolves upon a party claiming title to land "under a tax sale and deed, to show a valid judgment "against the land, and a precept under which it was "sold, and an affidavit, such as the statute requires be-"fore a deed shall issue. These are indispensable to the "title under such a deed."

Elston vs. *Kennicott*, 46 Ill., opinion 197.

Wilson, et al. vs. *McKenna*, 52 Ill., opinion 48.

And in the case of *Elston* vs. *Kennicott*, 46 Ill. opn. 210, the court say: "In the absence of a judgment and "precept, it is no more than would be the deed of any "other person having no title to the land."

Appellant had the affirmative of this issue and, as if he were the complainant, asserting title, he should have set forth in his plea all the material requisites necessary to make a good title, by averring that the deed set out in the plea was issued upon a valid judgment and precept and that the notice required by the statute was

served upon the person in possession of the premises, and the person to whom the premises were assessed before the deed issued.

Chapter 120, section 216, provides that: "Here- "after no purchaser or assignee of such purchaser, of any "land, town or city lot, at any sale of lands, or lots, for "taxes or special assessments, due either to the state or "county or incorporated town or city within the same, or "at any sale for taxes or levies otherwise, by the laws of "this state shall be entitled to a deed for lands or lots so "purchased until the following conditions have been com- "plied with, to-wit: Such purchaser or assignee shall "serve or cause to be served a written or printed, or "partly written or partly printed notice of such pur- "chase on every person in actual possession or occu- "pancy of such land or lot; also the person in whose "name the same was taxed or specially assessed, if upon "diligent inquiry he or she can be found in the county. "Also the owners of or parties interested in said land "or lot, if they can, upon diligent inquiry, be found in "the county at least three months before the expira- "tion of the time of redemption on such sale; in which "notice he shall state when he purchased the land or "lot, in whose name taxed, the description of the land "or lot he has purchased; for what year taxed or spe- "cially assessed, and when the time of redemption will "expire; if no person is in possession or occupancy "of such land or lot and the person in whose name the "same was taxed or specially assessed, upon diligent in- "quiry cannot be found in the county or the owners of "or parties interested in said land or lot, upon diligent "inquiry cannot be found in the county, then such per- "son, or his assignee, shall publish such notice in some

"newspaper printed in such county, and if no newspaper "is printed in said county, then in the newspaper that "is published in this state nearest to the county seat "of the county in which such land or lot is situated, "which notice shall be inserted three times, the first time not "more than five months and the last time not less than three "months, before the time of redemption shall expire; "provided however, that if the owners of said land or lot "or the parties interested therein cannot be found in the "county, and the person in the actual occupancy is tenant "to, or is in possession under the owner or party inter-"ested therein, then service of said notice upon such ten-"ant or occupant, shall be deemed service upon the "owner or party interested; and provided further, that "if the owners or parties interested are unknown to such "purchaser or his assignee, then the said publication, "as to them, may be to the unknown owner or parties "interested."

This notice is made a prerequisite under the statute, and will not be presumed, and should have been averred in the plea, so that appellee could take issue, if he so desired, under the rule as above stated.

For the foregoing reasons the plea was adjudged insufficient and appellant took leave to answer the bill.

ANSWER.

Denies appellee is the owner of the premises described in the bill or in possession of the same; admits the value to be $8,000; calls for strict proof of deed from Caldwell and wife to appellee, and the payment of taxes; *denies that Peter Caldwell was ever the owner of the premises in question*, or had possession or claim of title since 1868, or paid any taxes; states appellee had full knowl-

edge of appellant's title; admits appellant always claimed to have legal and valid title, and states that all the requirements of the law had been strictly complied with; claims the judgments upon which tax deeds were issued are regular and fair.

Admits he claims to be the owner of the property in question by virtue of the several tax deeds mentioned and set out in said bill of complaint. Denies all irregularity and invalidity in each and all of said deeds. States he will insist and prove on the trial that each deed is regular and valid, and that he is now the owner in fee of the property in question by virtue of said several tax deeds. Denies tax deeds created a cloud upon appellee's title, or that they ought to be canceled. Claims to have paid the taxes for *some one or more* years, and the amount exceeds $77.24.

Also claims to be the owner of such lands by virtue of several other good deeds and titles, paramount to that of appellee. Claims to be the owner of the property by virtue of tax deed, dated July 24, 1876 (which is the same deed set out in the plea). States that he has several other tax deeds, which are based on valid judgments, etc., and not mentioned in appellee's bill. (No evidence of any other.)

REPLICATION.

To which general replication is filed by appellee.

REFERENCE TO MASTER.

The case is then referred to the Master, to take proofs and report, and the Master having found against appellee, exceptions were filed to his findings, as against the law and the evidence.

EVIDENCE.

The proof on the part of appellee, Exhibit 1; his warranty deed from Peter Caldwell and Ann Caldwell, his wife, duly acknowledged and recorded; his evidence and that of Mr. Caldwell as to his possession of the premises.

Exhibits 5 and 6, original warranty deed from Louis Heintz and Johanna Heintz, his wife, to Peter Caldwell, conveys the premises in question. Louis Heintz is the party who subdivided the property. This was prior to the great fire of October 9, A. D. 1871.

Exhibit 8, the affidavit of appellee for the introduction of Exhibits 9 and 10, being abstracts of title to lots in question, showing chain of title from the time of entry in A. D. 1836, down to A. D. 1868, the date of deed from Louis Heintz, just prior to the great fire.

Revised Statutes 1874, ch. 116, § 29.

["Whenever, upon the trial of any suit or proceed-
"ings which is now or hereafter may be pending in any
"court in this state, any party to such suit or proceed-
"ings or his agent or attorney in his behalf shall orally
"in court, or by affidavit to be filed in such cause,
"testify and state under oath that the originals of any
"deeds or other instruments in writing, or records of
"any court relating to any lands, the title or any inter-
"est therein being in controversy in such suit or pro-
"ceedings, are lost or destroyed or not within the power
"of the party to produce the same and that the records
"thereof are destroyed by fire or otherwise, it shall
"be lawful for any such party to offer, and the court shall
"receive as evidence any abstract of title made in the
"ordinary course of business, prior to such loss or de-
"struction, showing the title of such land, or any part

" of the title of such land that may have been delivered " to the owners or purchasers, or other parties interested " in the land, the title or any part of the title of which " is shown by such abstract of title."]

[*Smith* vs. *Stevens*, 82 Ill., 556.]

Tax receipts, Exhibits 12 to 40, inclusive, show payment of taxes by appellee's grantor for a period of more than seven consecutive years, together with the testimony of Peter Caldwell as to the payment of all taxes by him during the time aforesaid.

Hinchman vs. *Whitstone*, 23 Ill., 108.

" Proof of the payment of taxes may be made other- " wise than by the production of the receipt. The pay- " ment of taxes, like the payment of money in discharge " of a debt, may be proved by parol evidence, although " a receipt be given."

Elston vs. *Kennicott*, 46 Ill., opinion 200.

" The statute does not provide any mode of proving " the payment of taxes, and its requirements would be " answered as fully without as with a receipt. A receipt " forms no part of the payment; it is only evidence of it, " and verbal evidence by a witness as to the payment " would be quite as available. Receipts are only *prima* " *facie* evidence, and might be rebutted, or explained, " by parol. The court has never regarded them in the " light claimed by appellants—as muniments of title. " They are simply what they purport to be—receipts for " the payment of money."

Wilson et al. vs. *McKenna*, 52 Ill., 44.

" It is not essential that a party should show he has " paid all the taxes due and assessed upon his land in " order that he may question a tax title, which is sought " to be set up against him. The provision of the gen-

"eral revenue law requiring such payment (1845, 448, "sec. 73), has long remained a dead letter on the statute "book, and is not considered of any validity, the effect "of it being to compel a man to buy justice."

Reed vs. *Tyler*, 56 Ill., 292, is to the same effect.

The several tax deeds set out in the bill are admitted in the answer, and appellant claims title to the premises in question, by virtue of these several deeds, in connection with the one set out in the plea, and again sought to be made available by his answer. And the main issue is as to the validity of these several tax deeds.

The first one to which I shall call the court's attention is that of July 24, A. D. 1876, being the same deed set out in appellant's plea, and adjudged *inoperative and void under the statute of limitations*. And the same deed is again set up by way of answer. This, we say, is not in accordance with the rules of good pleading.

4 Bouvier's Institutes, § 4298.

He says: "Sometimes a plea is ordered to stand "for an answer, when it is bad in form only, but good "in substance as to the whole or any part of the relief "sought by the bill.

"When a plea is ordered to stand for an answer, it "is merely determined that it contains matter which may "be a defense or part of a defense, but that it is not a "full defense, or it has not been properly supported by "the answer, so that the truth of it is doubtful. For if "a plea requires an answer to support it, upon argument "of the plea the answer may be read to counter-prove "the plea; and if the defendant appears not to have suf-"ficiently supported his plea by the answer, the plea must "be overruled or ordered to stand for an answer only. "A plea is usually ordered to stand for an answer when

"it states matter which may be a defense to the bill, "though not, perhaps, proper for a plea, or when it is "informally pleaded.

"*When the plea states nothing which can be a defense,* "*it is merely overruled.* In such case, the same may af- "terwards be insisted on by way of answer.

"*This rule does not, however, extend to a plea of the* "*statute of limitations.*"

In the case at bar, the plea was simply held insufficient, and overruled for the reason, that, under the statute, by lapse of time, appellant having slept upon his rights, his tax deed became inoperative and void, and could not avail him as a defense to the equities of appellee's bill.

In the case of *Coster et al.* vs. *Murray et al.*, 7 Johnson's Ch. opinion 171, the court say: "After a plea of "the statute has been once technically pleaded and form- "ally discussed, considered and overruled, and again "solemnly discussed and overruled upon appeal, and a "full and perfect answer required by the order of both "courts, and an effort to have the decretal order of this "court modified, so as to allow the plea to stand for an "answer, has failed, it surely cannot, upon any reason- "able principle, be permitted to the party to escape "from the order in this way, and *bring the very same* "*matter again into discussion.* It is conformable to the "good sense of pleading that a defendant should not "twice refuse to answer the bill. If a plea be overruled "you may move for a rehearing, or for leave to amend, "*but you cannot again plead the same plea.* If a plea "could be repleaded, it would not, as Chief Baron Mac- "Donald observed in *Freeland* vs. *Johnson* (2 Anst. 407), "do its office. It would not have the effect of saving

"litigation, but would encourage the defendant to try it "as an experiment to save time. It was held, upon the "same ground, in *Baker* vs. *Melish* (11 Vesry, 68), that "a defendant could not demur a second time, without "leave specially given; even though it should be a more "restricted demurrer, it would be calling upon the court "to rehear the former judgment, in a manner contrary to "the usual course and settled practice. *I do not know of "any case in which, under such circumstances, such an an-"swer has been held good. If a second plea be not admissible "I should apprehend it must be equally inadmissible when it "comes varied only in point of form, but with the same "matter and the same pretension, in point of substance. "There is no foundation or authority for such an answer "in any of the cases which have a bearing on the question.*"

And the further objection is made to the introduction of this deed, that it does not appear that notice for judgment was published according to law.

See objections to Exhibits 4, 5, 6 and 8, Gage, and evidence in rebuttal to the same by appellee, Exhibit 41, which shows that the application for judgment upon which the deed in question is based was made at the July term, A. D. 1873, of the County Court, Cook county, Illinois, instead of the May term, as required by law.

The judgment record, precept and proceedings, upon which this sale was made was for the general taxes, state, county, etc., for 1872. A single reference would seem to be all that is necessary.

In *Leindecker* v. *The People, ex rel. Wm. T. Johnston*, 98 Ill. 21, the court say: "There is no doubt that, under "the general revenue law of this state, application for "judgment against delinquent lands, for *state and county*

"*taxes, is required to be made at the May term of the* "*County Court.*"

But as I shall have occassion to refer to this question again, in connection with the other deeds, I will leave the matter for the present, contending that it has been the settled law of this state that application for judgment for taxes and special assessments "*shall*" be made at the May term.

We now come to the three several tax deeds set out in the complainant's bill as a cloud upon his title.

1st tax deed issued on the third day of July, A. D., 1880, by E. F. C. Klokke, county clerk of Cook county, state of Illinois, to Asahel Gage, and recorded on the 8th day of July, A. D. 1880, in the office of the recorder of deeds in and for said county of Cook, in record book 1005, at page 376, and a certified copy of said deed is attached to appellee's bill and admitted in answer marked Exhibit 2, upon sale made August 8, 1877, that the record of sale, judgment and proceedings, upon which said tax deed was issued, was for the third installment of special assessment (warrant No. 36,) levied and assessed by authority of the town of Lake for the laying of water pipe on Forty-third street, and the amount of said assessment was five dollars, and the amount of judgment, costs and interest for which said sale was made, was six and $\frac{98}{100}$ dollars. Judgment rendered by the County Court, July term, 1877.

The bill charges that said record of sale, judgment and proceedings are informal, irregular, illegal and void, upon the ground and for the reasons, viz:

First. The process and record of sale and judgment erroneously describe the premises as being situated in

"*block one*," viz: Assessor's division of S. W. ¼ section 4, town 38, range 14, "Lewis Heintz's subdn. of 24 acres E. and adjg. W. 10 acs. of N. ½ N. ½ S. W. ¼, being part of lot 17, sub-lot 12, 13, "Block 1," lot 17.

Second. The premises in the process and record of sale and judgment are not described as being situated in the county of Cook, and state of Illinois.

Third. The application for judgment made by the county collector was made at the June term of the County Court, instead of the May term, as required by law.

Fourth. There was no notice given by the county collector that application for a judgment would be made at the May term of the County Court, as required by law.

Fifth. There is no finding by the court in the application for judgment that due notice had been given by the county collector, as required by law.

Sixth. There was no order made by the County Court for the filing of objections to the entry of judgment, as required by law.

Seventh. In the application made for a judgment by the county collector, there was no order entered and signed by the court, for judgment.

Eighth. The application made by the county collector for a continuance of the cause was not approved or signed by the court.

Ninth. The application having been made at the June term of the County Court, and no continuance of the cause by the court, it was error to render a judgment at the July term of the court.

Tenth. The court had no jurisdiction to render a judgment at the July term of the County Court, July 16, 1877.

Eleventh. No notice was served by the purchaser at the tax sale upon the person in possession of the premises before the tax deed was issued, as required by law.

Twelfth. The notice pretended to be served by the purchaser at the tax sale upon the person to whom the premises were assessed, was not addressed or directed in the name of the person to whom the premises were assessed, or to any particular person, and was a mere blank notice, and of no force or legal effect.

The evidence on the part of complainant, in connection with this deed, consists of a certified copy of tax record, Exhibit 2.

Ch. 51, Sec. 13: "The papers, entries and records "of courts may be proved by a copy thereof, certified "under the hand of the clerk of the court having the "custody thereof, and the seal of the court, or by the "judge of the court, if there be no clerk."

An examination of this record will show that said deed is subject to all the objections pointed out in appellee's bill, as above enumerated.

First. The record on blank, page 79, show the premises erroneously described as being situated in "block one."

Second. The county and state being omitted from the description; but the appellant contends, that this record, made and certified by the county clerk, is erroneous in this respect (as well as in several others, of which, hereafter), and a deputy clerk from that office has been called to impeach the record, but his testimony is objected to as wholly incompetent for such purpose.

That a correct description of the premises is essen-

tial to give the court jurisdiction to render the judgment, can hardly be questioned. It would seem as if this objection alone would be sufficient to set aside the deed.

It was held in the case of *The People, ex. rel. Joseph Ream* vs. *R. Dragstran et al.*, 100 Ill., 286:

"When land is described, giving no township and "range, the court will have no jurisdiction to render a "judgment."

Third. The application for judgment made by the county collector was made at the June term of the county court, instead of the May term, as required by law. (*Tax Record, Exhibit 2.*)

This point is made to each of the four several tax deeds, and I desire now to give the question a full and careful examination.

It will be remembered that this is a special assessment we are now discussing (Warrant No. 36), for the laying of water pipe on Forty-third street, in the Town of Lake; and attention is first called to the statute, chapter 120, sections 178, 182 and 185, amended by an act, approved May 3, 1873:

§ 178. "When any special assessment, made by "any city, town or village, pursuant to its charter, or "by any corporate authorities, commissioners or persons, "pursuant to law, remain unpaid, in whole or in part, "return thereof *shall be made* to the county collector on "or before the 10th day of March next, after the same "shall become payable, in like form as returns are made "for delinquent land tax. County collectors shall col- "lect, account for and pay over the same to the authori- "ties, or persons having authority to receive the same,

"*in like manner as they are required to collect, account for*
"*and pay over taxes*," etc.

§ 182. "At any time after the first day of April
"next, after such delinquent taxes and special assess-
"ments on lands and lots shall become due, the collector
"shall publish an advertisement, giving notice of the in-
"tended application for judgment for sale of such de-
"linquent lands and lots, in a newspaper published in
"his county, if any such there be, and if there be no
"such paper printed in his county, then in the nearest
"newspaper in this state to the county seat of such
"county. *Said advertisement shall be once published at*
"*least three weeks previous to the term of the County Court*
"*at which judgment is prayed*, and shall contain a list of
"the delinquent lands and lots upon which the taxes or
"special assessments remain due and unpaid, the names
"of the owners, if known, the total amount due there-
"on, and the year or years for which the same are due.
"*Said collector shall give notice that he will apply to the*
"*County Court, at the———term thereof, for judgment*
"*against said lands and lots* for *taxes, special assessments,*
"interest and costs, and for an order to sell said lands
"and lots for the satisfaction thereof, and shall also give
"notice that on the———Monday next succeeding the
"day fixed by law for the commencement of such term
"of the said County Court, all the lands and lots, for
"the sale of which an order shall be made, will be ex-
"posed to public sale at the building where the County
"Court is held, in said county, for the amount of taxes,
"special assessments, interest and costs, due thereon,
"and the advertisement published, according to the pro-
"visions of this section, shall be deemed to be sufficient
"notice of the intended application for judgment and of

"the sale of the lands and lots, under the order of such "court," etc.

§ 185. "All applications for judgment and order "of sale for taxes and special assessments on delinquent "lands and lots *shall be made at the May term of the* "*County Court*. If from any cause the court shall not "be holden at the term at which judgment is prayed, the "cause shall stand continued," etc.

Thus it will be seen that the application for judgment should be made at the May term, as well in the case of special assessment as in that of a general tax.

The question presented in the case at bar is, whether the court acquired jurisdiction under the notice of application for judgment made by the collector for the June term of the County Court, and in rendering a judgment at the July term; the statute requiring that such application and notice should be made for the *May term* of the *County Court;* and then, if for any cause, the case could not be heard, it would stand continued until the next term of Court, etc.

In the case of "*Beers et al.* v. *People, ex rel Miller* "*et al.*, 83 Ill., 488, the application for judgment was "made to the *August term* of the *Cook County Court*, "1874, and the notice so specified the term and fixed the "day of sale for the 28th day of September following. "The 182d section requires the notice of the application "after the first day of April. It requires that he shall "give notice that he will apply to the County Court, at "the —— term thereof, for judgment, and shall give "notice that on the —— Monday next succeeding the day "fixed by law for the commencement of the term to "which the application is to be made, he will sell the "lands and lots, etc.

"It is objected that the collector had no power to "fill these blanks, and hence the notice is insufficient. "Had counsel turned to the 185th section, they would "have found that the application *should be made to the* "*May term* of the County Court, and the collector is "required to specify the Monday on which the sale will "be made. This section, however, provides, that if, "from any cause, judgment is not rendered at that term, "it shall be held legal to have judgment at any subse- "quent term of the court.

"It will thus be seen that the collector may apply "at the May term, and if from any cause such applica- "tion shall not be made or judgment rendered, he may "apply to any subsequent term; that it was intended "that he should fill the first blank in his notice in the "182d section with the term to which he would make "the application, and to fill the second blank with the "Monday on which the sale would be made, is apparent. "The 182d section is substantially the same as the 26th "section of the Revenue Laws of 1853, p. 74, which "has the same blank left to insert the term of court as "that found in the 182d section, and the profession and "collectors since that time have uniformly held that it "indicated that the officer should insert the term to "which he intended to apply in the notice, instead of "leaving it blank, as found in that section. Such long "and uniform custom is reasonable, and must be held to "be not only warranted, but altogether proper."

In this case the parties appeared and filed their objections to the rendition of judgment, thus giving the court jurisdiction over the person, and the court having once acquired jurisdiction in one of the forms provided by law, to-wit: the voluntary appearance, could then

proceed and render judgment according to the law and the facts in the case, and the judgment was sustained, notwithstanding the application was made for the August term; but the court clearly holds that the notice of application for judgment should be made at the May term.

The People ex rel. Ream v. *Drag Straum et al.*, 100 Ill. 289, opinion.

"Appellees, by entering their appearance, and urging general objections, waived the right to object to "the sufficiency of the notice;" and again in

"*Miller* v. *Sherman*, 83 Ill. 165. Where parties "appear and contest an application for judgment against "their real estate, for special assessments, on the merits, "it matters not whether the notice of application is regular, or whether there was any at all.

"*McLaughlin* v. *Thompson*, 55 Ill., 249, was a case "under the 8th section of the Revenue Laws of 1845, "which provides that the County Commissioners' Court "shall have power to levy a tax for county purposes, and "that the county tax shall be levied at the March term "of the County Court, and collected with the state "revenue. The language of this law is imperative. As "a general rule, when a power of this character is delegated to officers, it must be strictly pursued, and the "Commissioners' Court having failed to pursue the "authority thus conferred, they were powerless to disregard the requirements of the statute and adopt a different time to perform the act. They had no power to "levy the tax at the *June term*, when the statute had "imperatively required it to be done at the March term. "This levy being unauthorized, it was illegal.

"The tax being illegal, appellant, *or those under "whom he claims*, were not required to pay it or redeem

"from the sale. It has been repeatedly held that if any "portion of the tax is illegal, or the judgment *too large*, "only to the extent of a few cents, the sale and tax deed "will be void. The tax deed conveyed no title."

In the case of *Brown et al.* v. *Hogle et al.*, 30 Ill. 119, the question was presented and fully discussed.

BROWN J.: "There are several claims to relief set "up in the bill: first, that the judgment for taxes was "void, being rendered at a term not appointed for that "purpose. At the session of the General Assembly of "1861, an act was passed, entitled 'an act to *postpone* the "collection of the revenue for 1860.' (February 14, "1861, p. 168.) By the first section of the act, the time "for the collectors to return their warrants for the year "1860 was extended to the 15th of April, and in all "counties under township organization the treasurer *shall* "apply for judgment at the June term of the County "Court, etc.; and the form of notice and proceedings in "all other respects remain the same as heretofore, except "as to the change of time. This act had a limited effect "and a temporary operation and existence only, not be-"ing designed to change the general law for the collec-"tion of the revenue, except for the year specified.' (1860, sec. 4, p. 169.)

"The act of 1861 does not, by its title, purport to "be an amendatory act, but it is expressly declared in "the act itself, that it shall not be deemed or taken to "change the general revenue law. It was for a special "purpose, to meet a special exigency, and must stand by "itself and be construed by itself.

"Before the enactment of this law the township col-"lectors were required to return their warrants and make "settlement with the treasurer, on or before the 15th

"day of February of each year, and all lands on which "the taxes remained unpaid until the 15th of March each "year, were declared delinquent, and were to be sold on "the second Monday of May, on the judgment to be ob- "tained at the May term; if for any cause the County "Court could not be holden at the term at which notice "was given that judgment was demanded, then the case "stood continued until the next term to which the case "was continued. It was to change this time and this "only, that the act of 1861 was passed, and therefore to "that extent must stand by itself, no aid being derivable "from any other act, because there is none other on the "same subject enacted for the same purpose.

"We are inclined to think that notice of the appli- "cation for judgment must be made to the June term, "the language of the law being peremptory, 'shall "apply.' The term is fixed by law, and the design is "that all persons owning land in the county, looking to "the law for their rights, may know certainly when the "application will be made, and make such defense as the "law entitles them to make, and show cause, if any they "can, why judgment should not be rendered against "their lands. If this rested in the discretion of the col- "lector, and the people interested are to derive their "knowledge of the term at which application will be "made solely from the collector's notice, much embar- "rassment and loss might occur, as those notices are not "so widely diffused as the law itself. Besides, the same "law requires that the county treasurers shall make their "settlement with the auditor on or before the 10th day "of July, which would be impossible if the judgment was "rendered at the July term."

"To give the court jurisdiction it is essential that

"the collector should make a report and *give notice* of "the application for judgment, substantially as required "by law. The case of *Marsh* v. *Chesnut* (14 Ill. 224) "is strongly in support of the view we have taken of this "case. In that case the law made it the duty of the "assessor to complete the assessment and return it to the "clerk of the County Commissioners' Court on or before "the first day of May, and it authorized parties inter- "ested to apply at the ensuing June term of that court "for the purpose of having the value of their property "reduced. This requisition of the statute the court say, "is clearly imperative; the *courts having no power to de- "clare it directory merely*, such a decision would virtually "deprive a party of the protection which the Legislature "designed to afford him. This direction to the assessor "was intended to be compulsory, and a failure by him "to comply with it rendered the assessment invalid as "against the owner of the land. The court further say, "what has often been said: It is a sound and inflexible "rule of law that when special proceedings are author- "ized by statute, by which the estate of one man may be "divested and transferred to another; every material "provision of the statute must be complied with; the "owner has a right to insist upon a strict performance of "all the material requirements, especially of those de- "signed for his security, and the non-observance of which "may operate to his prejudice.

"On this principle alone the direction to the assessor "to make his return by a given day is *compulsory*, and "its performance is indispensable to the validity of the "assessment. If, then, it was compulsory on the collect- "or to make his return to the June term, *an application "at any other term would not suffice*, and as nothing can be

"intended in favor of such proceedings, it would seem "to follow that the County Court at the *July term had* "*no jurisdiction* of this application, and the judgment "rendered would be void and impeachable, collaterally, "in any action."

See, also,

Hopé v. *Sawyer*, *14 Ill., opinion 255 and 256.*

"The collector is not vested with any discretion. "The law fixes the time, and it is his duty to pursue it. "The time when the court will commence is a matter "of positive law, and the owner may know to a certainty "when a sale will be made."

In *Spellman et. al.* v. *Curtenius*, *12 Ill.*, *412*, the court say:

"The only objections to the tax title which are im- "portant to notice are such as any and all persons claim- "ing adversely thereto are permitted to make. These "objections are either on acount of some defect apparent "on the face of the judgment precept or collector's deed, "or they may arise from the want of such a report and "*notice* as would give the court jurisdiction to enter the "judgment, or from showing that the land was not adver- "tised for sale as required by law. * * * To "give the court jurisdiction, it is essential that the collec- "tor should make a report and *give notice of the applica-* "*tion for judgment*, *substantially as required by the* "*statute*. The report and notice are the foundation of "the whole proceedings: and without them, the court "would have no authority to enter judgment, and al- "though the deed is itself *prima facie* evidence that the "proper notice was given and report made; yet when "the party gives the notice and report in evidence, the

"*prima facie* case made by the deed will be destroyed "if either is essentially defective."

See also *Pickett* v. *Hartsock*, 15 Ill. 282, opinion:

"The report and notice are the foundation of the "whole proceedings, and without them the court would "have no authority to enter a judgment."

The evidence of Peter Caldwell, the person to whom the premises were assessed and the owner thereof at the time of the rendition of said judgment, shows that he did not appear in person or by attorney in either of the proceedings to obtain judgment in the County Court, upon which either of said sales were made.

And it is held by the Supreme Court, in the case of *Gage* v. *Bailey*, 102 Ill. 11: "A judgment in the Coun- "ty Court for taxes is not conclusive upon the owner, of "the liability of the land for the taxes assessed on it, "where he does not appear and contest the application "for judgment, but he may still question the legality of "the tax in any other proceedings, as on a bill to set "aside the tax deed as a cloud upon his title. But if he "appears and contests the application, he will be con- "cluded by the judgment the same as in any other "case."

Again, in the case of *The Belleville Nail Co.* v. *The People ex rel. Weber, Collector*, 98 Ill. 399: "A judg- "ment against a lot for taxes is not conclusive upon "the owner, of the liability of the lot for the taxes, un- "less he appears and resists the application. If he does "so and contests the taxes, the judgment will conclude "him. The statute, in declaring, in section 224, that "the tax deed made upon a sale under a judgment for "taxes shall be *prima facie* evidence of certain enumer- "ated things which are requisite to a correct judgment,

"shows the intention of the statute that the judgment "was not to have the same effect of conclusiveness "which is given collaterally to ordinary judgments ren- "dered by default, where personal service has been had. "There is in these cases no personal service but only "publication of notice in a newspaper that application "will be made for a judgment."

In *Brown* v. *Hogle et al.*, 30 Ill. 109, the court say:

"After a court has acquired jurisdiction, its findings "are conclusive, at least in all collateral proceedings. "But on the question of jurisdiction, its findings are not "conclusive. If the necessary notice has not been given, "or if process has not been served, the court has no au- "thority to act, and all its proceedings are absolutely "void. The finding of the court as to proper notice "having been given on process served, is *prima facie* suf- "ficient to establish the fact, and would not be disre- "garded without very clear and satisfactory proof to the "contrary."

But when the fact appears on the face of the proceedings themselves, as in the case at bar, there can be no controversy. The notice specifies the time, and the application is for the June term of the court and judgment rendered at the July term.

Senichka vs. *Lowe*, 74 Ill., 274.

"The finding of a court in favor of its jurisdiction "is not conclusive, especially when the record discloses "the evidence of jurisdiction upon which the court acted.

"Such a notice is required by the statute, and it is "indispensable to confer jurisdiction in this proceeding, "unless an appearance is entered; it is statutory and "summary in its character, and the requirements of the "law must be strictly pursued. The notice takes the

"place of process, and it is only by its publication, as re-
"quired by the statute, that the court obtains jurisdic-
"tion to hear and adjudicate upon the case.

"It is contended, however, in the present case, ap-
"pellee is concluded on this question by the finding of
"the County Court, as recited in the judgment reciting
"*that due notice had been given*, * * * * *
"It has never been held where the record itself showed
"that the evidence of jurisdiction, upon which the court
"acted, was insufficient, that its finding in favor of its
"jurisdiction was conclusive. In *Goudy* v. *Hall*, 30 Ill.,
"116, it was expressly said that the finding in such a
"case was not obligatory.

"The chief justice in delivering the opinion observed,
"'take the case where the law requires six weeks' notice
"and the record itself shows but three weeks' notice, was
"given,' or where a process has been returned not served,
"and the court should find that the requisite notice was
"given, or that process *was duly served*; it would be ab-
"surd to say that such finding was conclusive, when the
"very record would show that its finding was void. Oth-
"er and more recent decisions recognize the same doc-
"trine."

Fourth. There was no notice given by the county collector that application for a judgment would be made at the May term of the County Court, as required by law. ("*Exhibit 2.*")

The application made by the county collector is for the June term of the County Court.

Fifth. There is no finding by the court in the application for judgment that due notice has been given by the collector, as required by law. ("*Exhibit 2*," Rec. p. 74.)

Ch. 120, Sec. 191. "Whereas due notice has been "given of the intended application for judgment against "said lands and lots and no sufficient defense having "been made or cause shown why judgment should not "be entered against said lands and lots for taxes, special "assessments, interest, penalties and costs due and un- "paid for the year, etc. * * * Said order "shall be signed by the judge in all judicial proceedings "of any kind for the collection of taxes and special as- "sessments, etc." This order is not signed.

Sixth. There was no order made by the County Court for the filing of objections to the entry of judgment, as required by law. ("*Exhibit 2*," *page 74*, ch. 120, § 191.)

Seventh. In the application made for a judgment by the county collector, there was no order entered and signed by the court for judgment. (Exhibit 2, Rec. p. 74.) The record is left blank.

Eighth. The application made by the collector for a continuance of the cause was not approved or signed by the court. ("Exhibit 2," ch. 120, sec. 191, *supra.*)

The order is not signed by the court.

Ninth. The application having been made at the June term of the County Court, and no continuance of the cause by the court, it was error to render a judgment at the July term of the court. ("Exhibit 2.")

Tenth. The court had no jurisdiction to render a judgment at the July term of the County Court, July 16, 1877. The notice was insufficient for such purpose, and the case was not continued.

Eleventh. No notice was served by the purchaser at the tax sale upon the person in possession of the

premises before the tax deed was issued, as required by law.

This is another objection which is raised to each of the several tax deeds, and is of vital importance, for if this notice has not been served in compliance with the statute, it is fatal to the deed. Ch. 120, § 216, provides that:

"Hereafter no purchaser, or assignee of such pur-"chaser, of any land, town or city lot, at any sale of "lands or lots for taxes or special assessments, due either "to the State or county, or incorporated town or city "within the same, or at any sale for taxes or levies "otherwise, by the laws of this State, shall be entitled to "a deed for lands or lots so purchased, until the follow-"ing conditions have been complied with, to-wit: Such "purchaser or assignee shall serve, or cause to be served, "a written or printed, or partly written or partly print-"ed notice of such purchase on every person in actual "possession or occupancy of such land or lot, also the "person in whose name the same was taxed or specially "assessed, if upon diligent inquiry he or she can be found "in the county; also the owners of or parties interested "in said land or lot, if they can, upon diligent inquiry, "be found in the county, at least three months before the "expiration of the time of redemption on such sale; in "which notice he shall state when he purchased the land "or lot, whose name taxed, the description of the land "or lot he has purchased, for what year taxed or spe-"cially assessed, *and when the time of* redemption will "expire," etc.

The record in each case shows that the premises in question were assessed to Peter Caldwell. There is also

a notice attached to each record, purporting to have been served on Peter Caldwell. The evidence of C. P. Westerfield, a witness on the part of the defense, states that Peter Caldwell had possession of the property, that he served a notice on Peter Caldwell April 4th, 1879, which is the same notice attached to the record. But Peter Caldwell is called as a witness, and he testifies that no such notice was served upon him with reference to these two lots in question. Chapter 120, section 217, provides that an affidavit of such service of said notice shall be made, etc., which shall be *prima facie* evidence that such notice has been given.

Now, it must be borne in mind that the notice referred to is made subsequent to the rendition of judgment and sale, and hence no judicial determination of the question of notice. It is made *prima facie* evidence only—liable to be rebutted any time, whenever and wherever the question is legally raised. It is not sufficient for the party holding the deed to assert that he has complied with the law by serving such notice—the affidavit is an *ex parte* proceeding in which the owner has no opportunity to be heard in opposition thereto; and it cannot be expected that appellee could prove a negative of this character by a preponderance of evidence, but the party holding the deed has the affirmative, and must establish the evidence of notice in order to support his deed whenever objection is legally made by a party who has a right to demand that all the requirements of the law have been complied with. It is sufficient for appellee to introduce the party as a witness, who testifies that no such notice was served upon him, and then it is incumbent upon the party holding the deed to show by a preponderance of evidence that such notice was served substan-

tially as required by the statute, in order to support his deed, but the evidence of this one witness is the only evidence offered by the defendant upon this question.

And the constitution of 1870, section 5, article 9, provides that the right of redemption from all sales of "real estate, for the non-payment of taxes or special as-"sessments of any character whatever, shall exist in favor "of owners and persons interested in such real estate for "a period of not less than two years from such sale "thereof. And the General Assembly shall provide by "law for reasonable notice to be given to the owners or "parties interested, by publication or otherwise, of the "fact of the sale of the property for such taxes or assess-"ments, and when the time of redemption shall ex-"pire.

"*Provided that occupants shall, in all cases, be "served with personal notice before the time of redemp-"tion expires.*"

And the Supreme Court of this State, in the case of *Gage* v. *Bailey et al.*, 100 Ill, 530, opinion, say: "If there "is an occupant, he must have personal notice, and this "is fundamental, and compliance with it is an indispen-"sable condition precedent to the right to make a deed.

"And that such has long been the settled law of "this State see *Holbrook* v. *Fellows*, 38 Ill., 440, *Wilson* "v. *McKenna*, 52 Ill., 43.

"The notice required by section 4, article 9, of the "Constitution of 1848; to be given by a purchaser at a "tax sale is a condition precedent to his right to have a "deed, and when he seeks to rely upon his tax deed as "paramount title, he must show a compliance with the "requirements of that section."

And the further point in this case is made clear. One H. F. Lewis, the agent of Wilson (the holder of the tax deed), made affidavit of service of notice, etc., as in the case at bar, and the holder of the deed made affidavit of regularity, etc., upon which the deed was issued, but Reisig (the owner of the lot) swears that no notice of any kind was ever served upon him, or any member of his family, in relation to these premises.

The court say: "This is a case where the true owner "of the premises, from all that appears in the record, was "a resident of the county in which the tax sale was made, "or if not an actual resident, had a tenant in possession. "The notice, such as required by the Constitution, should "have been served upon him," etc. This provision of the Constitution was intended for wise purposes—to prevent owners of land from being deprived of their title, except "upon actual notice." Just so, we say, it will be remembered that appellee Bani, was in possession of these premises before his purchase as tenant of Caldwell, and Caldwell's evidence on this point is, that he continued to occupy the premises until he leased and finally sold to Bani. So that at no time was the premises vacant or unoccupied. The premises was assessed to Caldwell, and notice should have been served upon him or his tenant. And Bani also testifies no notice of such tax sale was served upon him.

There is another objection made to this notice, and set out in complainant's bill.

Twelfth—The notice pretended to be served by the purchaser at the tax sale upon the person to whom the premises were assessed, was not addressed or directed in the name of the person to whom the premises were assessed, or to any particular person, and was a mere blank

notice, and of no force or legal effect. (Tax Record, "Exhibit 2," Notice and Affidavit of Service.)

It would seem to me that in order to make the notice more impressive and to call his attention to the fact that he was the party intended, like the service of legal process—as it takes the place of process—that it should be addressed to the party whose rights are intended to be affected thereby.

In the case of *Eagan* v. *Connolly*, 107 Ill., opinion, 465, the court say: "Although not technically process, it answers the same place and performs the same office."

2nd. Tax deed, issued on the 30th day of June, A. D. 1880, by E. F. C. Klokke, County Clerk of Cook County, State of Illinois, to Asahel Gage, and recorded on the 1st day of July, A. D. 1880, in the office of the recorder of deeds in and for said County of Cook, in Record Book 1,000, at page 303, upon sale made August 16th, 1877.

Ex. "3". That the record of sale, judgment and proceedings, upon which said tax deed purports to be issued, was for the fifth installment of South Park assessment for the year 1876, and the amount of such assessment upon said premises, including interest and cost, was the sum of three and 38–100 dollars, and judgment was rendered for that amount by the County Court of said County, July term, A. D. 1877.

That said record of sale, judgment and proceedings, and the said tax deed issued thereon, is irregular, illegal and void, upon the grounds and for the reasons, viz:

First. The record and list of delinquent lands and lots filed by the County Collector, Louis C. Huck, Esq., on application for a judgment against said lands and lots,

erroneously described the premises as being N. ½ W. ½, instead of N. ½ N. ½ S. W. ¼, viz:

(R. p. 94.) Record of a list of lands, lots and blocks in the town of South Chicago, Hyde Park and Lake, in the county of Cook and State of Illinois, Assessor's Division of the S. W. ¼ section 4, town 38, range 14; Lewis Heintz's subdn. of 24 ac. E. and adj. W. 10 ac. of N. ½ W. ½ S. W. ¼, being part of lot 17, section 4, town 38, range 14, lot 12–13, blk, "2," pt. of lot 17.

Second. The court had no jurisdiction to render a judgment against the premises so erroneously described.

Third. There is a material variance in the description of the premises contained in the record of judgment and delinquent list filed by the County Treasurer as aforesaid. (R. p. 98).

Fourth. There is no certificate of the County Clerk attached to the record and judgment, as required by law, before sale.

Fifth. The application for judgment was made by the County Collector to the County Court at the June term thereof, instead of the May term, as required by law. (Rec. p. 92.)

Sixth. The purchaser at the tax sale, August 8, 1877, Asahel Gage, allowed the premises to be again sold August 16, 1877, the sale upon which the tax deed last aforesaid was issued, contrary to the statute in such case made and provided.

Seventh. No notice was served by the purchaser at the tax sale upon the person in possession before the tax deed was issued, as required by law.

The first, second, third, fifth and seventh objections have already been considered in connection with the first

deed, and it will not be necessary to repeat them here. But I desire to call the court's attention to the fourth and sixth objection made to this deed.

Fourth. There is no certificate of the County Clerk attached to the record and judgment, as required by law, before sale. (Exhibit 3).

"Ch. 120, § 194. Process for sale—The County "Clerk shall, before the day of sale, make a record of "the lands and lots against which judgment is rendered, "which shall set forth the name of the owner, if known, "the description of the property, the total amount of "judgment on each tract or lot, and the year or years "for which the same is due, in the same descriptive "order as said property may be set forth in the judg-"ment books, *and shall attach thereto a copy of the "record of the court and his certificate that such record "is correct.* (R. pp. 105, 106, 107, 108.)

"Said record, so attested, shall be the process on "which all real property, or any interest therein, shall "be sold for taxes or special assessments, as well as the "record for the sale of such property." *Eagan* v. *Connelly*, 107 Ill., opinion, 466.

The court say: "It is too obvious to require argu-"ment, that without the certificate of the clerk, as re-"quired by the statute, the record made up constituted "no precept. This was as indispensable as his attesta-"tion to an execution, etc. There having been no pre-"cept at the time of sale, the collector had no authority "to make the sale, his act was a nullity, and the pur-"chaser could base no right thereon."

Pitkin v. *Yon*, 13 Ill., opinion, 252.

"A party claiming title by virtue of a sale for taxes

"must show a valid judgment against the land, *a precept* "*authorizing the sale thereof*, and a sheriff's deed to the "purchaser or his assignee. . *The precept is the authority* "*under which the sheriff makes the sale.* It performs the "same office in this respect as an execution on an ordi- "nary judgment," etc.

And in the case of *Egan* v. *Connelly*, above referred to, the court say: "That which stands in the place "of, and performs the office of process, must be governed "by the same rules," etc.

Sixth.—The purchaser at the tax sale, August 8, 1877, Asahel Gage, allowed the premises to be again sold August 16, 1877, the sale upon which the tax deed last aforesaid was issued contrary to the statute, etc., ch. 120, Sec. 211:

"If any purchaser of real estate, sold for taxes or special assessments, shall suffer the same to be forfeited to the State, or again sold for taxes or special assessments, before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale or forfeiture, during which time the land shall be subject to redemption, upon the terms and conditions prescribed in this act; but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him. The second purchaser, if any, shall be entitled to the redemption money, as provided for in the preceding section, provided, however, it shall not be necessary for any municipal corporation which shall bid in its own delinquent special assessments, at any sale, in default of other bidders, to protect the property from subsequent forfeitures or sales as above required in this section. Approved May 29, in force July 1, 1879."

(*Gage* v. *Parker*, 103 Ill. 539. Opinion by Justice DICKEY.)

3d. Tax deed issued on the sixth day of July, A. D. 1880, by E. F. C. Klokke, County Clerk of Cook County, State of Illinois, to Asahel Gage, and recorded on the 9th day of July, A. D. 1880, in the office of the Recorder of Deeds, in and for the said County of Cook, in Record Book 967, at page 636, upon sale made August 27, 1877.

Ex. "4." That the record of sale, judgment and proceedings upon which said deed purports to be issued was for the State, county and city taxes for the year 1876, and that the total amount of said assessment was sixteen and eight one-hundredth dollars, and the amount of judgment and costs for which said premises were sold for said tax is the sum of sixteen and eighty-eight one-hundredth dollars. Judgment rendered in the County Court of Cook County, July Term, A. D. 1877.

That the record of sale, judgment and proceedings upon which said tax deed is based are informal, irregular, illegal and void, and the tax deed so issued as aforesaid upon said judgments and proceedings is void upon the ground and for the reasons, viz:

First—The judgment purporting to have been rendered in the cause is void on its face, in that it does not recite that judgment is entered "in favor of the people of the State of Illinois." (R. pp. 170-171.)

Second—The order for judgment is void on its face, in that it does not state that judgment is entered "in favor of the people of the State of Illinois."

Third—The premises described in the report of Peter Murphy, town collector for the Town of Lake for the year 1876, upon which taxes remain due and unpaid,

erroneously describe the premises as being situate in W. ½ N. ½ S. W. ¼, viz:

"Town of Lake, County of Cook, and State of Illinois, Assessor's division of S. W. ¼ section 4, town 38, range 14, Lewis Heintz' sub. of 24 acs. E. and adj. W. 10 acs. of W. ½ N. ½ S. W. ¼ section 4, town 38, range 14, sub-lot 12–13, block 2 being part of lot 17."

Fourth—The report of Louis C. Huck's, county collector's delinquent list does not describe the premises as being in the County of Cook and State of Illinois.

Fifth—The County Court had no jurisdiction to render a judgment against the premises under such erroneous description in the delinquent list so filed.

Sixth—The notice of application for judgment made by the County Collector was for the June term of the County Court, instead of the May term, as required by law.

Seventh—The purchaser at the tax sale, Asahel Gage, defendant herein, was the purchaser at the tax sale made August 8, 1877, and August 16, 1877, hereinbefore described, and allowed the premises to be again sold August 27, 1877, which is the same tax for which the sale was made and deed issued last aforesaid, contrary to the statute in such case made and provided.

Eighth—The purchaser at the tax sale, Asahel Gage, did not serve a notice upon the person in possession of the premises before the deed was issued, as provided by law.

Ninth—The notice purporting to have been served by the purchaser upon the person to whom the premises were assessed, is one day short of the time required by law.

Tenth—The assessor for the year 1876, Town of

Lake, did not return his assessment book to the county clerk of said County of Cook, until after the time required by law, and not until the 13th day of July, 1876.

Eleventh—The collector for the Town of Lake for the year for which said assessment was payable did not call upon Peter Caldwell, the person to whom said premises were assessed, for the tax due, as required by law.

First: The judgment purporting to have been rendered in the cause is void on its face, in that it does not recite that judgment is entered "in favor of the people of the State of Illinois."

Second: The order for judgment is void on its face in that it does not state that judgment is entered "in favor of the people of the State of Illinois. (Exhibit 4.)

Chapter 120, sec. 191.

"Whereas, due notice has been given of the intend-"ed application for judgment against said lands and lots, "and no sufficient defense having been made, or cause "shown why judgment should not be entered against "said lands and lots for taxes (special assessments, if "any), interests, penalties, and costs due and unpaid "thereon for the year or years herein set forth, therefore, "it is considered by the court that judgment be and the "same is hereby entered against the aforesaid tract or "tracts or lots of land, or parts of tracts or lots (as the "case may be), *in favor of the people of the State of Il-"linois*," *etc.*

And the case of *Eagan* v. *Connolly*, above referred to, is cited as authority on this point, and the court say: "A tax deed, when relied upon as title, is void, and "not admissible in evidence, unless it is supported "*by a valid judgment* and precept."

Dugan et al. v. *Fallett et al.*, 100 Ill. 582.

"A purchaser of land is not bound to look beyond a "judgment or decree, and the legal effect it may have "on the title, which is the subject of inquiry."

Sidwell v. *Schumacher*, 99 Ill. 427.

"A sale of land under an execution, general or "special, that does not run *in the name of the people*, or "that is not under the seal of the court, or that is not "signed by the clerk, or directed to the proper officer, "*is absolutely void*, and may be successfully resisted in "any kind of proceedings, or in any form in which the "question may arise.

"Where the law expressly directs that process shall "be in a specified form, and issued in a particular man-"ner; such a proceeding is mandatory, and a failure on "the part of the officer whose duty it is to issue it, to "comply with the law in that respect, will render such "process void.

"The law-making power has the right to say of "what process shall consist, *and where it has declared* "*that it shall be of a specified form by implication, all* "*other forms are prohibited.*"

Third—The premises described in the report of Peter Murphy, Town Collector for the Town of Lake for the year 1876, upon which the tax remains due and unpaid, erroneously describes the premises as being situate W. ½ N. ½ S. W. ¼.

Fourth—The report of Louis C. Huck's, county collector's delinquent list, does not describe the premises as being in the County of Cook and State of Illinois.

Fifth, sixth, seventh and eighth objections have already been considered in connection with the two former deeds.

Ninth—The notice purporting to have been served by the purchaser upon the person to whom the premises were assessed, is one day short of the time required by law. (Ch. 120, § 216, above referred to.) Notice must be served at least three months before the expiration of the time for redemption.

Wilson v. *McKenna*, 52 Ill. 44.

"The notice, in such case, should correctly state when the time of redemption will expire."

Tenth—The assessor for the year 1876, Town of Lake, did not return his assessment books to the County Clerk until after the time required by law, and not until the 13th day of July, A. D. 1876.

Chapter 120, section 90: "The assessor shall, on or "before the first day of July of the year for which the "assessment is made, return his assessment books to the "County Clerk, verified by his affidavit," etc.

"And in case of special assessments, on or before "the 10th day of March." (Ch. 120, § 178.)

The First National Bank of Shawneetown v. *Joel Cook et al.*, 77 Ill., opinion, 627.

"It appears by the record that the city authorities of "Shawneetown did not certify to the County Clerk the "amount required to be raised in 1872 until the 5th day "of October. The statute in force at the time required "the amount to be certified on or before the second Tues-"day in August.

"The Legislature has seen proper to prescribe the "time within which cities must furnish the amount to "the County Clerk necessary to be raised by taxation, "*and courts have no power to extend the time or change* "*the law.*"

And see, also, to the same effect, the case of *Mix* v. *The People ex rel. Pierpont*, 72 Ill., opinion, 243–246.

Eleventh—The collector for the town of Lake for the year for which said assessment was payable, did not call upon Peter Caldwell, the person to whom said premises were assessed, for the tax due, as required by law.

See evidence Peter Caldwell.

"Ch. 120, § 155. Every town collector, upon re-
" ceiving the tax-book or books, shall proceed to collect
" the taxes therein mentioned, and, for that purpose,
" shall call at least once on the person taxed and de-
" mand payment tof he taxes charged to him on his
" property."

And for divers and sundry other good and sufficient objections apparent upon the face of said record of sale, judgment and proceedings, upon which each of said tax deeds were issued as aforesaid.

Under this objection, the court's attention may properly be called to the amount of the judgment upon which this last deed was issued, being forty cents in excess of the amount of the assessments, interest and costs.

McLaughlin v. *Thompson*, 55, Ill. 249: "It has
" been held that if any portion of a tax upon which a
" judgment was rendered was illegal, or if the judgment
" was for too large a sum, even to the extent of a few
" cents, a sale and tax deed based upon such judgment
" would be void."

Altes v. *Hinckler*, 36 Ill. 265:

"This court, since its reorganization under the pre-
" ent Constitution, has applied to tax sales and deeds
" when offered as a paramount title, the same rigid rules

"that have been almost universally adopted by other "courts in reference to sales of that description. A tax "title, if a title at all, is so *stricti juris;* it is a purely "technical, as contra-distinguished from a meritorious ti- "tle, and depends for its validity upon a strict compli- "ance with the statute. Objections which, in regard to "sales of a different character would be overlooked, "are here held valid, and this strictness rests upon sub- "stantial reasons, as exemplified in the record before us; "the instrument to which we are asked to affix a seal "purports to convey one hundred acres of land, for a "consideration of four dollars and seventy cents. In com- "parison with the probable value of the land, this con- "sideration is so grossly inadequate, that it can hardly "be called valuable. This same inadequacy pervades all "tax sales, and hence the propriety of the rigid rules by "which their validity is tested."

In the case at bar, the premises are admitted in appellant's answer to be worth eight thousand dollars. The evidence shows they are now worth even more than that; appellee testifies ten thousand dollars. The amount of these three judgments and sales was twenty-seven and twenty-four one-hundredths dollars. Appellee in his bill made the following tender:

"And your orator further avers, that he has repeat- "edly called upon the said Asahel Gage, in a business like "and friendly manner, and requested him to name the "amount so paid out and expended by him, as aforesaid, "in and about the said tax sales, costs and disbursements "aforesaid, together with all interest-penalties provided by "law, and your orator then and there offered to pay "such sum or sums of money as he, the said Asahel Gage, "may be entitled to as such purchaser, and for taxes, to-

"gether with interest, costs and penalties provided by "law, at such tax sales, of the premises aforesaid under "said tax deeds, and each of them. And your orator "*well hoped* that the said Asahel Gage would have named "the amount and received and accepted the same from "your orator. But now so it is, may it please this hon- "orable court, your orator now here tenders to the said "Asahel Gage, and offers to pay whatever sum or sums "of money be found by this court to have been paid out "and expended by said Asahel Gage in the payment and "purchase at said tax sales, and each of them, together "with all costs and disbursements attending them, and for "all taxes paid upon said premises at any other time, in- "cluding all costs and damages and penalties provided "by law, with interest, under the statutes in these spe- "cial cases, and ordinary interest, whatever the same "may be, and your orator will keep his tender good, and "abide by and perform the decree of the court in the "premises."

Moore v. *Topliff*, 107 Ill., opinion, 244.

"Courts of equity do not require that a legal tender "shall be made, or that it shall be brought into court, but "all that is required in a case of mutual duties and rights "is that appellee should offer to do equity, and to pay "the money upon receiving the property or securities to "which he is by law entitled, upon payment of the "debt."

In the case at bar, after the plea had been overruled, and before any additional costs had been made, appellant having set out in his answer that the amount paid for taxes did not exceed seventy-seven and twenty-four one-hundredths dollars, appellee computed the interest and

made a tender to appellant's attorney of ninety and fifteen one-hundredths dollars, which was refused.

In the case of *Barnett* v. *Cline*, 60 Ill., opinion, 207, referring to the case of *Reed* v. *Tyler*, 56 Ill., 288, the court say:

"It was held that a bill might be maintained by a "party in possession, against the holder of a void tax "title, and have it declared void and canceled. But in "such case equity will not exercise its discretion in affording the relief, except upon condition of the refunding of all moneys paid by the purchaser and his assigns "to extinguish taxes accruing on the land *after the purchase*, with interest. But as regards the rate of interest required to be paid, a court of equity seldom requires, in the absence of a contract, a greater rate than "six per cent.; that is the rate which should have been "allowed, and the court erred in allowing ten per cent."

In the case of *St. L., F. & C. R. R. Co.* v. *Mathers*, 104 Ill. 257, it was held, "that if a party pays taxes on "lands which belongs to another, under the mistaken "belief of ownership, a court of equity will not grant "him any relief by which he may be reimbursed the "sum paid."

But in the case of *Phelps et al.* v. *Harding*, 87 Ill. 442, the court says: "When the owner of real estate seeks "the aid of a court of equity to set aside tax sales of the "premises made *before* he *acquired title*, and the certificate of the purchaser as a cloud upon his title, he "should do equity, and will be required to pay to the "holder of the certificate the amounts expressed therein "and the taxes paid by him, as a condition to the relief "sought."

And upon the final hearing under the order and

decree of the Court Appellee paid into court one hundred and fifty dollars for the use of Appellant on account of these tax sales and for costs, disbursments and interest.

DEFENCE.

Having considered the evidence on the part of the appellee as bearing upon the several objections pointed out in his bill to the deeds in question, it is proper to call the court's attention to the evidence on the part of appellant.

It will be remembered that appellant admits in his answer the several tax deeds in issue, and claims paramount title by virtue thereof, and insists that all of the requirements of the law in relation to the proper execution of said deeds has been strictly complied with; but denies that Peter Caldwell, to whom the premises were assessed, and upon whom he claims to have served the required notice before the execution of said several deeds, was ever, at any time, the owner of said lands or premises, or in the possession thereof, or that he has paid any of the taxes or assessments thereon.

If this statement in his answer was true, it would be a very strange proposition of law if appellant acquired any title to said property by virtue of said several tax sales.

But the proof is otherwise, and it is unnecessary to discuss it.

Appellant also claims in his answer, to have and to hold a title to said property by virtue of several other *good and sufficient deeds*, not set out in appellee's bill, but there is no proof of any such title in appellant, and his title depends solely upon the regularity of the proceeding upon which said several tax deeds were issued.

He has also offered in evidence certified copies of the records from the County Clerk's office, in support of his said several tax deeds, some of which appear to be at variance with those offered by appellee in several important particulars, which will now be noticed.

First: In connection with tax deed issued on the third day of July, A. D. 1880. The judgment record and proceedings upon which said deed was issued as appears from the record offered by appellee, describe the premises as being situated in "*Block One*," whereas, in the record of said proceedings, offered by Appellant the premises are described as being in "*Block Two*," this being the correct description. And in connection with tax deed issued on the thirtieth day of June, A. D., 1880, it appears from the record introduced by Appellee that no certificate of the County Clerk had been attached to said record before the sale, as required by law; but in the record of the same proceedings introduced by Appellant said certificate appears to have been duly attached to said record before sale.

These records are all made in the same office and certified by the same officer, under his seal of office. Such a variance ought not to occur in records which are presumed to have been carefully compared and certified. There can be no excuse for it, and I cannot help but feel that an attempt has been made to cure what is supposed to be a fatal error in the record. They are certainly questions of vital importance, yet they are by no means the only objections to the records in question, and which are equally fatal, and which have not and cannot now be cured by amendment or otherwise. The question upon the notice of application for judgment, having been made at a different term of the County Court than that

provided by law, and the fact that no notice was served upon the person to whom the premises was assessed, nor upon the person in possession of the premises, before the deed was issued, as required by law. The premises are not described as being situated in the county of Cook and State of Illinois. Also as being in the W. ½ N. ½, instead of N. ½ N. ½. There is a variance between the description in the delinquent list and the judgment record. The premises were allowed to be sold a second time for taxes during the same year. The judgment in one case is void on its face, in that it does not recite that it is rendered in the name of the People of the State of Illinois. The assessor for the year 1876 did not return his assessment books until after the time required by law. The collector did not call upon the person to whom the premises were assessed for the tax. The notice pretended to be served by the purchaser on the person to whom the premises were assessed was one day short of the time required by law; and in the one case judgment was entered for forty cents more than the amount due, with interests and costs, etc., etc.

And here again I call attention to what was said by the court in the case of *Altes* v. *Hinkler et al.*, 36 Ill. 265, above referred to:

"Objections which, in regard to other sales of a different character, would be overlooked, are here held valid." These sales are "governed by rigid rules." A tax title, *if a title at all*, is so *strictæ juris*."

Apply these principles to the case at bar, and justice and equity will be done.

I very respectfully submit that the decree should be sustained.

LEVI SPRAGUE,
Solicitor for Appellee.